

Disciplinary outcomes

In fiscal year 2013, 10 disciplinary matters were concluded.

MARCH

Dr. Andre Jacob de WIT, Duncan

Dr. de Wit admitted to engaging in unprofessional conduct in 2011 for entering into a personal and sexual relationship with a patient with whom he had a professional patient-physician relationship. Dr. de Wit informed the College of the events and acknowledged that the conduct should be penalized. The patient involved did not wish to proceed with a formal complaint or to participate in a disciplinary hearing or any other College process. Dr. de Wit's conduct also included failing to arrange for an appropriate transfer of care of the patient prior to the commencement of the relationship. The College imposed a penalty which included a transfer from the Full – General/Family class of registration to the Conditional – Disciplined class of registration. In addition, Dr. de Wit was issued a formal reprimand and suspended for a six-month period with three months stayed if he completes a multi-disciplinary assessment program, participates in assessment and counselling, and attends at the College for further assessment of conditions of registration at such time. Upon return to practice, Dr. de Wit is required to have chaperones, establish a mentorship, participate in continuing medical education, and comply with monitoring of his practice.

OCTOBER

Dr. Farrokh ROHANI, Victoria

Following a hearing with respect to penalty, the Board of the College cancelled the registration of Dr. Rohani, effective 2400 hours October 25, 2013. Dr. Rohani was charged with sexual assault contrary to section 271 of the Criminal Code for the sexual assault of a patient who was 16 years of age at the time of the incident, which occurred on August 11, 2008. Dr. Rohani voluntarily withdrew from practice on September 23, 2008 and has not practised medicine since that time. The Board concluded that the conduct of Dr. Rohani was so egregious, and the abdication and abuse of his responsibilities as a physician was so disgraceful, that the most severe penalty under the *Health Professions Act*, cancellation of his

registration, was required. Dr. Rohani was also ordered to pay \$14,094.50 in contribution to the College's costs.

NOVEMBER

Dr. Patrick Michael NESBITT, Maple Ridge

Dr. Nesbitt admitted to breaching the terms of a previous agreement he had with the College following a decision dated June 8, 2010 of a Discipline Committee panel. The College imposed a penalty which included that Dr. Nesbitt remain on the Conditional – Disciplined class of registration. In addition, Dr. Nesbitt was suspended from practising medicine effective October 31, 2013 until such time as he successfully completed two of his education requirements, including: family practice review through the University of Nebraska Medical Centre; Family Medicine Board Review through the CME Center of the American Academy of Family Physicians; Internal Medicine Review through the Division of CPD at UBC at St. Paul's Hospital; or St. Paul's Hospital Continuing Medical Education Conference for Primary Care Physicians. Prior to return to practice, he is also to participate in continuing medical education in boundaries, ethics and professionalism, complete an educational program in prescribing, provide the College with an education plan, establish a mentorship, pay costs in the amount of \$25,000, pay the College's legal fees in the amount of \$10,000 and be compliant with any monitoring of his practice.

Dr. Mojtaba MAHJOOB, Burnaby

Dr. Mahjoob admitted to engaging in unprofessional conduct for submitting falsified TOEFL® (English language proficiency) test scores when applying to the International Medical Graduate – British Columbia (IMG-BC) Assessment Program and when applying for registration at the College. The College imposed a penalty which included a formal reprimand and ineligibility to reapply for registration with the College until after May 30, 2013. Upon return to practice, Dr. Mahjoob is required to provide a written apology letter to the program director, IMG-BC Assessment Program at St. Paul's Hospital, complete a multi-disciplinary assessment program, participate in assessment and counselling, participate in continuing

medical education, attend at the College for an interview, establish a mentorship and comply with monitoring of his practice.

Dr. Avrum COSTIN, Richmond

Dr. Costin admitted to his failure to comply with a standard, limit or condition imposed under the *Health Professions Act* which restricted his practice to seeing patients on referral, offering consultation services and short-term support psychotherapy, limited to six to eight sessions. In or about July 2, 2004 to June 29, 2005, Dr. Costin failed to comply with the standard, limit or condition, for a number of patients. In or about August 12, 2004 to September 15, 2008, he failed to comply with the above standard, limit or condition, for a patient. The College imposed a penalty which included a transfer from the Full – Specialty class of registration to the Conditional – Disciplined class of registration. In addition, Dr. Costin was issued a formal reprimand and ordered to pay a fine in the amount of \$3,000 and costs in the amount of \$2,000.

Dr. Ali GHAHARY, Vancouver

Dr. Ghahary admitted to engaging in unprofessional conduct in 2009 for entering into a personal and sexual relationship with a patient with whom he had a patient-physician relationship. The College imposed a penalty which included a transfer from the Full – General/Family class of registration to the Conditional – Disciplined class of registration. In addition, Dr. Ghahary was issued a formal reprimand, and suspended for 18 months with six months stayed if limits and conditions were met, which included participation in a course of assessment and counselling with a psychiatrist, participation in individual boundary coaching and attendance at the College for an interview to discuss the conduct admitted, the assessments and counselling conducted and his current understanding of an insight into ethical, boundary and professional issues. Upon return to practice, Dr. Ghahary is required to use chaperones, establish a mentorship, participate in continuing medical education and comply with monitoring of his practice.

Dr. Bradley Allen FRITZ, Vancouver

Dr. Fritz admitted to engaging in unprofessional conduct in 2004 for entering into a personal and sexual relationship with

a patient with whom he had a patient-physician relationship. The College imposed a penalty which included a transfer from the Full – General/Family class of registration to the Conditional – Disciplined class of registration. In addition, Dr. Fritz was issued a formal reprimand and suspended for two years with six months stayed if conditions are met, including completion of a multi-disciplinary assessment program, participation in assessment and counselling with a psychiatrist and attendance at the College for an interview. Upon return to practice, Dr. Fritz is required to use chaperones, establish a mentorship, participate in continuing medical education and comply with monitoring of his practice.

DECEMBER

Dr. David Kam-Fai LAI, Vancouver

Dr. Lai admitted to unprofessional conduct in the January 2012 to August 2012 by altering medical records and creating fictitious entries in his electronic medical record database for patients he had not seen and by fraudulently billing the Medical Services Plan for patients he had not seen. Dr. Lai submitted his irrevocable resignation to the College effective July 31, 2013 and his commitment to never reapply for registration with the College.

JANUARY

Dr. Earl David HARDIN, Vancouver

Dr. Hardin admitted to engaging in unprofessional conduct by using touch (such as hand-holding, hugging and farewell kisses) as a therapeutic approach during counselling sessions with a patient between 1969 and 2009. Further, Dr. Hardin failed to adequately maintain records of counselling sessions with the patient in accordance with the requirements of section 3-5 of the College Bylaws. The College imposed a penalty which included a transfer from the Full class of registration to the Conditional – Disciplined class of registration. In addition, Dr. Hardin was issued a formal reprimand, a three-month suspension from practice effective January 1, 2014, with two months stayed if he completes a multi-disciplinary assessment program, participates in continuing medical education in ethics and professionalism, attends for an interview at the College to discuss the conduct admitted, his current understanding of and insight into ethical and professional issues, the assessment(s)/counselling conducted, and to allow the College to further assess and

determine the limits and conditions of his registration, and complies with any monitoring of his practice established and acceptable to the College. Dr. Hardin was also issued costs in the amount of \$2,000.

Dr. Timothy Grant WRIGHT, Vancouver

Dr. Wright admitted to unprofessional conduct by entering into a personal relationship with a patient and by breaching limits and conditions which were imposed on his practice, namely that he would not initiate or pursue social contact with female patients outside the formal medical office or hospital setting.

Dr. Wright submitted his irrevocable resignation to the College effective December 19, 2013 and his commitment never to reapply for registration with the College of Physicians and Surgeons of British Columbia or any other jurisdiction.