

**Indexed as: Ramesar (Re)**

**THE DISCIPLINE COMMITTEE OF THE  
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 Professions Procedural Code*,  
being Schedule 2 to the *Regulated Health Professions Act*  
1991 SO 1991(C)18, as amended.

**BETWEEN:**

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

**- and -**

**DR. SIMON CARLTON LESLIE RAMESAR**

**PANEL MEMBERS:** DR. J. WATTS (CHAIR)  
DR. Y. deBUDA  
DR. P. NOBLE  
P. BEECHAM  
J. FREDERICK

**HEARING DATE:** March 10, 2000

**DECISION/RELEASE DATE:** March 10, 2000

## DECISION AND REASONS FOR DECISION

This matter came before the Discipline Committee of the College of Physicians and Surgeons of Ontario on March 6-10, 2000, at Toronto.

### THE ALLEGATIONS

It was alleged in the Notice of Hearing that Dr. Ramesar was guilty of professional misconduct under:

- (a) clause 51(1)(b)(1) of the *Health Professions Procedural Code* in that he sexually abused a patient by engaging in sexual intercourse and other forms of sexual relations, in touching of a sexual nature of the patient and in behaviour and remarks of a sexual nature towards the patient.
- (b) clause 51(1)(c) of the *Health Professions Procedural Code* in that he committed an act of professional misconduct as defined in paragraph 1(1).33 O. Reg. 865/93 by 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.

The details of these allegations were that:

1. In the spring and summer of 1994 Dr. Ramesar engaged in sexual intercourse and other forms of sexual relations (including touching and remarks of a sexual nature) with a patient, and obtained marijuana from the same patient and used it in her presence.
2. During the course of the professional relationship between Dr. Ramesar and the patient, Dr. Ramesar billed the Ontario Health Insurance Plan for encounters, which had not occurred. In addition, or in the alternative he failed to note or make any other record of several professional encounters with this patient.

Dr. Ramesar pleaded not guilty to the allegations of sexual abuse of a patient and pleaded not guilty to the allegations of professional misconduct regarding billing of the Ontario Health Insurance Plan.

Dr. Ramesar pleaded guilty to the allegation of committing an act of professional misconduct by obtaining marijuana from, and using it with, his patient.

## **PUBLICATION BAN**

At the opening of the hearing an Order was made preventing publication of the name of the complainant

## **THE CASE FOR THE DOCTOR**

The panel was provided with a book of documents identified as Exhibit 2 containing OHIP billings for the treatment of the complainant by Dr. Ramesar, Dr. Ramesar's clinical records of the complainant's management, family physician's records for the complainant and Hospital records for an in-patient admission of the complainant. The panel later received Dr. Ramesar's appointment book for 1994 and Dr. Ramesar's Curriculum Vitae.

## **THE CASE FOR THE COLLEGE**

The College called a single witness, the complainant. The complainant testified that she was referred to Dr. Ramesar in late 1989 after having found her husband sleeping with another woman. Her complaints were of low self-esteem and a tendency to enter and continue dysfunctional relationships. She was seen first in December, 1989 and had weekly to monthly appointments until January, 1991 and again from June, 1991 to June, 1992. She remained Dr. Ramesar's patient until her hospital admission in April, 1994 although there was a further break in appointments from June, 1992 until March, 1993 (with a single visit in December, 1992) and no visits occurring after December, 1993.

During the visits she discussed with Dr. Ramesar her rocky marriage, unfaithful husband, relationships with her mother and her children, and her low self-esteem. Amongst other things, she stated that Dr. Ramesar arranged for her husband to undergo psychological testing, and in the course of giving her the results of this testing she testified that Dr. Ramesar described her husband as **A stupid man@**

In the fall of 1993, she told Dr. Ramesar that she had an orgasm after smoking a joint of marijuana. Dr. Ramesar's response was that he wished he could try it and she provided him with marijuana at a subsequent appointment. At a further appointment, the complainant testified that Dr. Ramesar said that he had tried the marijuana and wished that he could purchase more of it. Later, he came out to the patient's house and bought what she described as a large quantity.

In early 1994 Dr. Ramesar told her that he was taking a break from practice. She subsequently became depressed and decided to stop taking her Lithium. Two weeks later she described herself as becoming very sick. She went to a psychiatric survivors meeting in which she broke down and was subsequently taken to a physician who arranged her hospital admission.

She testified that she was admitted to hospital on the 15th of April and was treated with Manerix, an anti-depressant. Two days after starting Manerix she had a period of nervousness, anxiousness and bizarre sexual fantasies following which the Manerix was discontinued.

After the episode with Manerix, she phoned Dr. Ramesar's secretary and asked if Dr. Ramesar could visit her in hospital. He did so on April 20th. She testified that he later called her and suggested she sign out on a day pass to visit his apartment.

The patient described Dr. Ramesar's apartment and the clothes Dr. Ramesar was wearing on her arrival. She stated that he smoked marijuana and told her that he had a lover who had fantasies about sleeping with two men. She testified that Dr. Ramesar stated that he was interested in sleeping with two women. She admitted that this piqued her interest and said she would think about it. At some point during this visit the complainant testified that they had a shower together and subsequent sexual intercourse. At some point Dr. Ramesar suggested that the complainant should have a test for AIDS. Following this visit, Dr. Ramesar drove her back to the hospital.

After her discharge from hospital, the complainant testified that Dr. Ramesar phoned her and invited her for a subsequent visit to his apartment. According to the complainant, this became the first of several further visits during which she would go to his apartment where they would talk, eat supper, he would smoke marijuana and they would subsequently have intercourse. Her testimony was that he said he was considering leaving the hospital and he talked to her about hiring her as his receptionist and house cleaner. During the time when he smoked marijuana in the presence of the complainant, she testified that he would become loud, emotional, and disclose information about his daughter's death, his son's sexuality and debts and injustices the doctor had suffered as a younger physician.

On one occasion, she said that Dr. Ramesar went to her mother's cottage where he met her sons and her husband.

Finally, at a date that the complainant does not recall, Dr. Ramesar called and took her for a walk and told her that **A**he wasn't meeting his needs**@** He further stated that he had met an older woman who he could see more often.

She saw him on one further occasion during an appointment at his office for which she was **A**ressed to the nine**@** She testified that she told Dr. Ramesar that she wished to continue the relationship and he stated that he might continue it if she could find someplace where they would not be discovered. She became angry saying that she did not just want sex and left the office.

On cross-examination she stated that her first marriage had ended in divorce and that she had a major problem in relationships with men. One problem was a fear of loneliness as well as the financial consequences of losing her husband. She stated that she felt Dr. Ramesar was very wise and she admitted to loving him. She said that Dr. Ramesar was "like a God" to her. She described the gaps in her appointments with Dr. Ramesar as occurring when she got particularly depressed.

She stated that she had started smoking marijuana in her early to mid twenties and had last used it in 1986 or 87 (although her family practitioner's records mention her using it in 1992). She

denied that she commonly used marijuana in 1994 or that she had told Dr. Ramesar that her husband and his brother grew and sold marijuana.

She confirmed that during the hospital admission she made the initial contact with Dr. Ramesar through his secretary. She was unclear how she received the subsequent telephone call or the timing, or date of the call (including whether it was before or after her son's birthday in April). She was unable to remember how long the first visit to his apartment had lasted and could not recall details of what led up to their showering together or details of the acts of intercourse or distinguishing marks (detailed below) on Dr. Ramesar. She confirmed that she took marijuana to him on the second of these visits.

When asked whether or not she slept overnight with Dr. Ramesar, she said she could remember one occasion clearly and that there were others. She arranged for a woman whom she had met during her hospital admission to provide an alibi for these nights. She could not remember precise details of the dates of the subsequent visits or the precise date on which the relationship ended. She could not remember details about a pattern of visits.

She denied seeing Dr. Ramesar for any hospital visits other than a visit in August after the relationship had ended when she returned to try to persuade him to continue their relationship.

She confirmed that the statements in the hospital chart (and to the College) that she intended to make her marriage work after discharge from hospital were correct.

## **THE CASE FOR THE DEFENCE**

### (a) Ms. D

The defence called four witnesses, the first being Dr. Ramesar's secretary, Ms. D, who testified to having worked for him for fourteen to fifteen years. She worked in an office which was physically separate and some distance from Dr. Ramesar's office. Patients would be greeted by a different receptionist but would make appointments with Dr. Ramesar for future occasions either over the telephone or directly with her. Ms. D testified that she provided Dr. Ramesar

with a weekly schedule of patient visits and once every one to two weeks provided a summary of visits and consultations to Dr. Ramesar's first wife who actually submitted the billings.

She testified that he took time off from his practice from February to April 1994. An appointment made for the complainant on January 17th had been cancelled and she noted there was a comment of a snow storm on that day.

On April 20, Ms. D identified that she had erased an appointment for the complainant, which was consistent with the day that the complainant had phoned from the hospital. She remembered this phone call being made and transmitting that message to Dr. Ramesar.

Appointments made for the complainant on July 4th and July 11th were not in Ms. D's handwriting and she believes that she was on vacation at that time. She confirmed that there were no clinical notes for the appointments on May 11th, July 4th, July 11th, July 25th and August 2nd (although there is a note as to a no show on that last date).

(b) Dr. Ramesar

The second witness to testify for the defence was Dr. Ramesar who stated that he had retired from practice at the age of 75 years. He had graduated from medical school in England in 1949 and after an initial period of general practice had completed psychiatric residency at McGill University and subsequently joined the faculty practice at Queen's University. Dr. Ramesar confirmed the receptionist and billing arrangements of his secretary. He also confirmed the initial appointments of the complainant, including his diagnosis of the primary problem as a borderline personality with fluctuating moods. However, he agreed with the comments of another psychiatrist that it could be bi-polar disorder and was therefore willing to arrange a trial of Lithium.

Dr. Ramesar stopped seeing patients in January 1994 since he recognized that he was having behavioural problems, which were associated with the separation from his wife. He admitted to using marijuana and the purchase of marijuana from the complainant's husband in the fall of 1993.

He confirmed the complainant's evidence that she had called saying she wanted to see him after her admission to hospital. He also confirmed seeing her in hospital and offering to get in touch to see her at his apartment.

Dr. Ramesar confirmed the evidence of the complainant as to the details of his apartment and of the clothes he was wearing on her arrival. He said that she stated that she wished to become some form of mental health worker and that he had advised her against this occupation. He admitted that he began to smoke marijuana and at this point his story became different from that of the complainant. He stated that she tried marijuana and that she made derogatory comments about it, offering to get him a better product. He admitted to ordering food but stated that they did not have a shower together and that he did not have any form of sexual relations or contact.

On the second visit, Dr. Ramesar admitted to having smoked marijuana, which had been brought by the complainant. This he said was very strong marijuana, and he said that he subsequently became verbose and talked about the problems of his family and his children. He also said that he revealed details about his behaviour with a previous mistress. He stated that this second visit (which took place five to six days after the first visit) was prolonged and included food but not any form of sexual contact.

On a third visit to his apartment he stated that the complainant appeared to be under the impression that he had invited her to become both his secretary and mistress. He said that he made it clear to her that he was not going to employ her and that he had a mistress and would not engage in any form of sexual relationship. He said that he used the excuse of being afraid of AIDS.



He saw her again at his office on May the 2nd where he arranged to see both the complainant and her husband together. His understanding at that time was that the couple were going to try to get back together.

On May 11th he had an appointment to see both the complainant and her husband. He subsequently saw the complainant=husband separately and stated that his impression of the husband was much more positive than the complainant had suggested.

Following this appointment he arranged to meet the complainant separately to go for a walk. On this occasion he told her that they could continue the social relationship only, and further that he had met a woman with whom he had a strong and positive relationship.

Dr. Ramesar denied that the complainant ever stayed over night or that he went to her mother's cottage.

Dr. Ramesar made further appointments to see the complainant on July 4, July 11, July 25, and August 8. He made no clinical notes on these encounters because he said that he felt that there was a lack of clarity in the complainant's mind as to whether this was a social or a professional relationship. He did however allow OHIP billings to be processed in the usual fashion. The final appointment was on August 15th. He stated that on this occasion they went over the same ground again and that the complainant became angry at the end of this appointment and made no further follow-up appointments.

In cross-examination Dr. Ramesar admitted that he considered it the standard of practice to keep clinical notes of his counselling sessions. He was aware of maintaining boundaries, particularly in psychiatric practice and that such boundaries included not having meetings outside the professional setting, not imparting personal information, not having conversations of a sexual nature and not indulging in alcohol or marijuana with a patient.

He stated that it was probably on October 5, 1993 when the complainant brought marijuana to him and he confirmed her account of the attendance and of his request for marijuana. He further admitted purchasing marijuana from her husband at his home, the quantity having a value of some \$300.00.

On reviewing the hospital notes Dr. Ramesar agreed that the notes showed that the complainant had been out of the patient ward on April 22nd, April 27th, 29th, 30th, May the 2nd for appointments and May the 4th for an overnight pass. It was his recollection that the visits to his apartment were consistent with leaving the ward on the four April dates that the May the 2nd date was consistent with his office appointment. He believed that the May 4th overnight pass was likely to have been with her husband.

Dr. Ramesar agreed with the details of his clothing on her arrival on the first occasion. He admitted to suggesting the second visit and to mentioning a mistress on this occasion. Furthermore, he said that he had mentioned that he wished he could find a combination of housekeeper/secretary and mistress but he denied that the complainant had offered to fill this role or that he had proposed it to her. He denied that he drove her back to the hospital. He testified that all three meetings in the apartment were friendly meetings which took place at her request.

He stated that by June he had another woman staying in the apartment from the 20th. This woman later became his wife.

When the complainant went to a new physician who requested information from Dr. Ramesar he provided a letter summarizing her problems; he did not mention the visits in July for which no clinical notes were available and he did not mention anything about the complainant's suggestion of a sexual relationship.

Throughout his evidence Dr. Ramesar emphatically denied that there had been any sexual contact at any of the meetings or appointments with the complainant. He did admit that the appointments at his apartment were inappropriate.

(c) Dr. Ramesar's Wife

The third witness to testify for the defence was Dr. Ramesar's wife whom he had married in 1996. She testified that she had been his patient in 1990 for two months and in the fall of 1993 also for two months. She last saw him in January 1994 when the issues that had brought her to see him had been satisfactorily resolved.

She testified to having contacted him in May 1994 when she knew he was legally separated, and that a social relationship began at this time. She further testified that a sexual relationship began on June 20th and that she thereafter had free access during the days to his apartment, had a key, and that there were no restrictions imposed upon her by Dr. Ramesar. She recalled no telephone calls from the complainant.

Her details of her sexual relationship with Dr. Ramesar differed in any number of ways from those outlined by the complainant in the latter's sexual relationship with the doctor, specifically with respect to the use of condoms, a vibrator, showers and concerns about AIDS. There were also differences with respect to their testimony regarding positions for intercourse and in particular his wife testified to the presence of two noticeable scars on Dr. Ramesar's upper back and two dark skin spots on his penis which the complainant had not described in her testimony.

In cross-examination she stated that Dr. Ramesar had used marijuana in the first week of their relationship but that he had not done so since that time and that he had been frank about a previous mistress.

(d) Dr. K

A fourth witness for the defence was Dr. K, a urologist. He testified to the physical examination performed on Dr. Ramesar on the previous day. He specifically described the presence of two one-inch by half-inch scars on Dr. Ramesar's back and two dark brown spots on the dorsum of the penis. The Committee accepted Dr. K's evidence.

## CONCLUSIONS

Dr. Ramesar pleaded guilty to an act of professional misconduct that having regard to all the circumstances would reasonably be regarded by members as disgraceful.

The Committee heard evidence from the patient (which was admitted by Dr. Ramesar) that he accepted marijuana from the complainant, that he purchased it from her husband and that he accepted it on a second occasion and smoked it in her presence. There was no disagreement that Dr. Ramesar initiated a social interaction with the complainant at a time when he had made the diagnosis of a borderline personality disorder and knew that she had undergone a deterioration sufficient for her to be admitted to hospital. The social interaction consisted of inviting her to his home, eating together, discussing details of his personal life including his relationship with a mistress and smoking marijuana. These actions were repeated and occurred despite knowing that the complainant had a history of dysfunctional sexual relationships and low self esteem. Such conduct was clearly inappropriate.

However, with respect to the allegation of sexual relations, the Committee felt that the evidence of the complainant was not sufficient to meet the test enunciated in *Bernstein*. The concerns with respect to the testimony of the complainant included the following:

1. her failure to recollect more than minimal details of the sexual encounter at a time when she was able to remember other details of a non-sexual nature extremely well;
2. her inability to identify Dr. Ramesar's physical features, namely, the scars of his back and markings on his penis;
3. the emphasis on the complainant re-establishing a relationship with her husband in the hospital chart and the complainant contemporaneously engaging in a sexual relationship with Dr. Ramesar and offering to fill the role of secretary and housekeeper; and,

4. the differences between Dr. Ramesar's sexual behaviour according to the complainant and his wife's account of his sexual activity, even though the sexual behaviour occurred or is alleged to have occurred in the same month.

The Committee therefore found Dr. Ramesar not guilty of sexually abusing a patient.

Dr. Ramesar admitted to purchasing and smoking marijuana. He therefore pleaded guilty to an act of professional misconduct which would be reasonably regarded by members as unprofessional.

Dr. Ramesar admitted that failure to make a note or other record of his encounters with the complainant did not meet the standard of practice or the standard that he expected of himself. The Committee therefore found Dr. Ramesar guilty of failing to make a note or other record of several professional encounters, an act or omission relevant to the practice of medicine that having regard to all circumstances would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

The Committee further stated that in his behaviour and relationship with the complainant in the fall of 1993 and in April/May of 1994 Dr. Ramesar clearly and egregiously breached established professional boundaries. He did so in a way and to an extent that the Committee regarded his conduct as disgraceful and totally unacceptable. The Committee members were unanimously of this view notwithstanding Dr. Ramesar's unfortunate personal circumstances at the time. In view of the trust reposed by the public in members of the medical profession, and particularly those in the field of psychiatry, such violations cannot, and will not, be tolerated.

## **PENALTY**

The Committee heard representations from the College requesting the penalty of a recorded reprimand, a suspension of his licence for six months, and the payment of costs in the amount of \$2,000.00. The defence accepted that a recorded reprimand would be

appropriate but submitted that the payment of costs would represent an undue hardship on a retired member who had been found not guilty of the more serious charges.

The Committee was of the view that the principles of general deterrence would be supported by a recorded reprimand and a suspension. The Committee therefore imposed the following Order:

1. The Committee required Dr. Ramesar to appear before it to be reprimanded with such reprimand to be recorded on the register;
2. The Committee required the Registrar to impose the following terms upon Dr. Ramesar's certificate of registration should Dr. Ramesar seek reinstatement:
  - (a) to suspend Dr. Ramesar's certificate of registration for a period of nine months from the date on which it would otherwise become effective;
  - (b) to suspend three months of the nine months suspension provided Dr. Ramesar paid costs to the Registrar fixed in the amount of \$1,000.00 on or before July 1st, 2000;
  - (c) to require Dr. Ramesar to undergo training (in a course acceptable to the Registrar) and evaluation, by a physician acceptable to the Registrar, on boundary violations in psychiatric practice; and
  - (d) to require Dr. Ramesar to undergo a specialist assessment by the College within one year of resuming practice.

Dr. Ramesar waived his right of appeal and the reprimand was administered.