

**Indexed as: Moore (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. PETER CAMERON FORRESTER MOORE**

**PANEL MEMBERS:**

**P. BEECHAM (CHAIR)  
DR. M. GABEL  
DR. O. KOFMAN  
J. DHAWAN  
DR. Y. DEBUDA**

**Hearing Date: July 24, 2003**

**Decision/Released Date: July 24, 2003**

## DECISION AND REASONS FOR DECISION

The Discipline Committee of the College of Physicians and Surgeons of Ontario heard this matter at Toronto on Thursday, July 24, 2003. At the conclusion of the hearing, the Committee stated its finding that the member committed professional misconduct and delivered its penalty order with written reasons to follow.

### ALLEGATIONS

The Notice of Hearing alleged that Dr. Moore committed acts of professional misconduct:

1. under paragraph 27.29 of O. Reg. 448 made under the *Health Disciplines Act*, R.S.O. 1980 c. 196 in that he engaged in sexual impropriety with patients;
2. under paragraph 27.32 of O. Reg. 448 made under the *Health Disciplines Act*, R.S.O. 1980 c. 196 in that he engaged in conduct or an act relevant to the practice of medicine that would reasonably be regarded by members as disgraceful, dishonourable or unprofessional;
3. under paragraph 26.28 of O. Reg. 577/75 made under the *Health Disciplines Act*, R.S.O. 1974 c. 47. in that he engaged in sexual impropriety with patients;
4. under paragraph 26.31 of O. Reg. 577/75 made under the *Health Disciplines Act*, R.S.O. 1974 c. 47 in that he engaged in conduct or an act relevant to the practice of medicine that would reasonably be regarded by members as disgraceful, dishonourable or unprofessional; and
5. under section 34 of the *Medical Act* R.S.O. 1970, c. 268 in that he engaged in an improper association with a patient.

It is also alleged that Dr. Moore is incompetent, as defined in s. 34(3)(c) of *Medical Act* R.S.O. 1970, c. 268, subsection 60(4) of the *Health Disciplines Act*, R.S.O. 1974 c. 47, and subsection 60(4) of the *Health Disciplines Act*, R.S.O. 1980, c. 196 in that he has displayed in his professional care of the patients named in Appendix "A" to this notice, a lack of knowledge, skill or judgment or disregard for the welfare of the patients, of a nature or to an extent that demonstrates that he is unfit to continue in practice.

## **RESPONSE TO ALLEGATIONS**

As set out in paragraphs 8 and 13 of the Agreed Facts, Findings Requested and Proposed Disposition set out below, Dr. Moore admitted that his conduct constituted professional misconduct as defined in allegations 1 and 3 of the Notice of Hearing; as set out in paragraph 15 below, the College withdrew allegations 2, 4 and 5 and the allegation of incompetence.

## **EVIDENCE**

The following Agreed Facts, Findings Requested and Proposed Disposition was filed as an exhibit and presented to the Committee:

### **PART I - STATEMENT OF AGREED FACTS**

1. The parties to this proceeding, the College of Physicians and Surgeons of Ontario (“the College”) and Dr. Peter Cameron Forrester Moore (“Dr. Moore”), a member of the College, agree that the following facts are true for the purpose of this proceeding:

#### **A. BACKGROUND**

2. Dr. Peter Cameron Forrester Moore (“Dr. Moore”) is a psychiatrist with a certificate of registration in Ontario. He was born in 1934 and received his certificate of registration in 1960.
3. In the 1970s and early 1980s, Dr. Moore did occasionally employ techniques and methodology in his treatment of patients, which required his patients to be nude during some sessions. In some instances Dr. Moore did touch patients while they were nude.

#### **B. PATIENT A**

4. Patient A was a patient of Dr. Moore’s from 1970 to June 1981, and again from 1992 to 2001. Dr. Moore provided psychotherapy sessions throughout these timeframes.
5. In the 1970’s and early 1980’s, Dr. Moore did occasionally employ techniques and methodology that required Patient A to be nude during some of his sessions. As a result, Patient A did remove some or all of his clothes during a number of sessions in the period 1970 to 1981.

6. During these sessions, Dr. Moore touched Patient A, including his penis and testicles, while he was nude.
7. Between June 1981 and early 1982, Dr. Moore saw Patient A socially on at least two occasions. In or about June or July of 1981, Dr. Moore engaged in sexual caressing and fondling with Patient A.
8. The conduct described in paragraphs 3, 5, 6, and 7 above constitutes professional misconduct as defined in paragraph 26.28 of O. Reg. 577/75 made under the *Health Disciplines Act*, R.S.O. 1974, c. 47 and paragraph 27.29 of O. Reg. 448 made under the *Health Disciplines Act*, R.S.O. 1980, c. 196.

**C. PATIENT B**

9. Patient B was a patient of Dr. Moore's for a short period of time in 1965, and again in 1968 and 1969.
10. Between 1971 and September 1975, Patient B was a patient of Dr. Moore's. Dr. Moore saw him for psychotherapy during this timeframe.
11. On one occasion during this timeframe, Dr. Moore did employ techniques and methodology that required Patient B to be nude. As a result, Patient B did remove some or all of his clothing during one session in the period 1971 to 1975.
12. The doctor patient relationship ended in or about September 1975. From 1977 to approximately 1979, Dr. Moore had a social and sexual relationship with Patient B.
13. The conduct described in paragraphs 11 and 12 above constitutes professional misconduct as defined in paragraph 26.28 of O. Reg. 577/75 made under the *Health Disciplines Act*, R.S.O. 1974, c. 47.

**PART II – FINDINGS REQUESTED AND WITHDRAWAL**

14. On the basis of the facts above, the College of Physicians and Surgeons and Dr. Moore request that the Discipline Committee make the following finding:
- (a) that Dr. Moore committed acts of professional misconduct in that he engaged in sexual impropriety with patients, contrary to paragraph 26.28 of Ontario Regulation 577/75 made under the *Health Disciplines Act*, R.S.O. 1974 c. 47 and to paragraph 27.29 of O. Reg. 448, made under the *Health Disciplines Act*, R.S.O. 1980 c. 196.
15. The College withdraws the following allegations:
- (a) that Dr. Moore engaged in conduct or an act relevant to the practice of medicine that would be reasonably be regarded by members as disgraceful, dishonourable, or unprofessional, contrary to paragraph 27.32 of O. Reg. 448 made under the *Health Disciplines Act*, R.S.O. 1980 c. 196;
  - (b) that Dr. Moore engaged in conduct or an act relevant to the practice of medicine that would be reasonably be regarded by members as disgraceful, dishonourable, or unprofessional, contrary to paragraph 26.31 of O. Reg. 577/75 made under the *Health Disciplines Act*, R.S.O. 1974 c. 47;
  - (c) That Dr. Moore engaged in an improper association with a patient as defined by s. 34 of the *Medical Act*, R.S.O. 1970, c. 268.
  - (d) that Dr. Moore is incompetent, as defined by s. 34(3)(c) of the *Medical Act*, R.S.O. 1970, c. 268, subsection 60(4) of the *Health Disciplines Act*, R.S.O. 1974 c. 47, and subsection 60(4) of the *Health Disciplines Act*, R.S.O. 1980 c. 196, in that he has displayed in his professional care of Patients A and B a lack of knowledge, skill or judgment or disregard for the welfare of these patients, of a nature or to an extent that demonstrates that he is unfit to continue in practice.

**FINDINGS**

The Committee accepted as true all of the facts set out in the Agreed Facts, Findings Requested and Proposed Disposition. Having regard to these facts, the Committee found that Dr. Moore committed acts of professional misconduct in that he engaged in sexual impropriety with patients, contrary to

paragraph 26.28 of Ontario Regulation 577/75 made under the *Health Disciplines Act*, R.S.O. 1974 c. 47 and under paragraph 27.29 of O. Reg. 448, made under the *Health Disciplines Act*, R.S.O. 1980 c. 196.

### **JOINT SUBMISSION AS TO PENALTY**

Counsel for the College and counsel for Dr. Moore made a joint submission regarding Dr. Moore's discipline history and regarding penalty.

### **PART III – DISCIPLINE HISTORY**

16. On August 1, 1991, the Discipline Committee of the College of Physicians and Surgeons of Ontario found Dr. Moore had committed professional misconduct in that he engaged in sexual impropriety with a patient. The finding related to acts, which took place in 1987 and 1988. The Discipline Committee ordered that he be reprimanded. The Committee also suspended Dr. Moore's certificate of registration for two years, which suspension would be lifted after two months if he continued to receive satisfactory reports from the doctor from whom he was obtaining psychotherapy and from his practice supervisor. Attached at **Tab A** [to the Agreed Facts, Findings Requested and Proposed Disposition] is the 1991 Decision of the Discipline Committee.
  
17. On October 19, 1998, the Discipline Committee of the College of Physicians and Surgeons of Ontario found that Dr. Moore had committed professional misconduct in that he engaged in sexual impropriety with a patient. The finding related to conduct, which occurred in 1978. The Discipline Committee accepted the joint submission from counsel for the College and counsel for Dr. Moore, which set out the facts on which the finding was based, and also accepted the joint submission on penalty, and thereby ordered that Dr. Moore be reprimanded and that he continue to obtain psychotherapy treatment from a psychiatrist. Attached at **Tab B** [to the Agreed Facts, Findings Requested and Proposed Disposition] is the 1998 Decision of the Discipline Committee.

#### **PART IV – CONSENT DISPOSITION**

18. In accordance with s. 4.1 of the *Statutory Powers Procedure Act* the parties consent to the disposition of this proceeding by order of the Discipline Committee in the form of the [order attached to the Agreed Facts, Findings Requested and Proposed Disposition].

The draft order proposed a reprimand, that Dr. Moore provide an undertaking to be recorded on the register to resign from the College and not reapply to practise medicine in any jurisdiction failing which his certificate of registration would be immediately revoked, and that the results of the proceeding be included on the register. Dr. Moore voluntarily undertook to reimburse the College for any amounts the College may pay, up to a maximum of \$10,000, for funding for therapy and counselling for Patients A and B, and to post security acceptable to the College to guarantee the payment of the amount referred to within 45 days of the order of the panel.

#### **PENALTY AND REASONS FOR PENALTY**

Counsel for Dr. Moore submitted a sentencing brief (Exhibit #3), which contained several letters of support for Dr. Moore.

The Committee considered that, by admitting the allegations of professional misconduct as a result of sexual impropriety, the complainants did not have to face the agony of a hearing. The Committee also noted that, although he had been found to have committed acts of professional misconduct years ago, the letters of support filed in evidence indicated that Dr. Moore had done good work since then.

The Committee also considered that, had these acts taken place a decade later, Dr. Moore would have faced mandatory revocation.

After hearing the submissions of counsel regarding the proposed penalty, the Committee determined that the proposed penalty was appropriate. In considering any penalty, the Committee must take account of the principles of protection of the public, specific and general deterrence, maintenance of the reputation of the profession and the rehabilitation of the member. The Committee is aware of the fact that this is Dr. Moore's third appearance before the Discipline Committee for offences committed in the same time period.

Although Dr. Moore has taken major steps in his rehabilitation, the Committee is of the opinion that removing Dr. Moore's certificate of registration is the only real safeguard for protecting the public. The proposed penalty therefore addresses all aspects of the principles of sentencing.

Dr. Moore has undertaken to reimburse the College for any amount the College may pay, up to a maximum of \$10,000, for funding for therapy and counselling for Patients A and B, and to post security acceptable to the College to guarantee the payment of the amount referred to within 45 days of this Order.

### **ORDER**

Therefore, the Discipline Committee ordered and directed that:

1. Dr. Moore attend before the Discipline Committee to be reprimanded;
2. Within seven days of this Order, Dr. Moore provide an executed undertaking in the form attached [to the Order] as "Schedule A", stating that he will resign from the College and will not apply for registration as a physician or for a licence to practise medicine in any jurisdiction, which undertaking shall be recorded in the Register, failing which Dr. Moore's certificate of registration will be immediately revoked;
3. The results of this proceeding be included in the Register.

At the conclusion of the hearing, Dr. Moore waived his right to an appeal under ss. 70(1) of the Code and the Committee proceeded to administer the reprimand.