

Indexed as: Umar Khitab (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. ALLAN HERBERT UMAR KHITAB

PANEL MEMBERS: **J. MARTEL (CHAIR)**
 DR. J. DOHERTY
 DR. G. MORRISON
 J. FREDERICK

Hearing Dates: October 15, 18 & 19, 2001

Decision/ Released Date: October 19, 2001

PUBLICATION BAN

DECISION AND REASONS FOR DECISION

This matter was heard by the Discipline Committee of the College of Physician and Surgeons of Ontario at Toronto on October 15, 18 and 19, 2001.

PUBLICATION BAN

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

ALLEGATIONS

The Notice of Hearing was filed as an exhibit. After two days of hearing and a change of plea by the member, the College proceeded with the allegation that Dr. Khitab was guilty of professional misconduct under subsection 1(1) 33 of O/Reg. 856/93, made under the *Medicine Act*, 1991, and under paragraphs 27.32 of O. Reg. 448 and 29.33 of O. Reg. 548, made under the *Health Disciplines Act*, in that he engaged in conduct or an act relevant to the practice of medicine that would reasonably be regarded as disgraceful, dishonourable or unprofessional.

PLEA

Upon his change of plea, Dr. Khitab pleaded guilty to the allegation set out above.

EVIDENCE

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

1. Dr. Khitab is a psychiatrist. He was born on August 16, 1937. He attended medical school in Pakistan and practised psychiatry in several jurisdictions, including Saskatchewan and New Brunswick (1984-1989) prior to coming to Ontario on June 13, 1989.

2. At all relevant times while in Ontario, Dr. Khitab held a certificate of registration authorising hospital practise only within a particular Mental Health Clinic.
3. Dr. Khitab admits that he was the psychiatrist for all of the young male patients listed in Appendices "A" - "E" to the Notice of Hearing. The young male patients were all approximately 12 to 15 years of age at the time they were patients of Dr. Khitab ("five young male patients"). Dr. Khitab was the psychiatrist to these five young male patients between 1990 and 1996.
4. Most of the five young male patients came from dysfunctional, disconnected or abusive families. The five young male patients had all been diagnosed with serious behavioural, personality or other psychiatric disorders. It is agreed that all of the five young male patients had serious psychiatric diagnoses or conditions that made them particularly vulnerable.
5. Dr. Khitab admits that he engaged in boundary violations of a sexual nature against the five young male patients.
6. Such boundary violations occurred in Dr. Khitab's office at the Clinic. In the case of one of the young male patients, such boundary violations occurred in Dr. Khitab's house.
7. Dr. Khitab admits that he treated the patient listed in appendix "F" to the Notice of Hearing ("sixth young male patient"). Dr. Khitab further admits that he engaged in boundary violations with the sixth young male patient.

The following Undertaking, signed by Khitab, was also filed in evidence and presented to the Committee. The Undertaking provides as follows:

I, Dr. ALLAN HERBERT UMAR KHITAB, undertake to the College of Physicians and Surgeons of Ontario that I will not apply to the College for reinstatement of my certificate of registration or for another certificate of registration to practice medicine in Ontario, nor will I apply to any other licensing body in any jurisdiction for a licence or a certificate to practice medicine at any time or under any circumstance.

I, Dr. ALLAN HERBERT UMAR KHITAB, undertake to the College of Physicians and Surgeons of Ontario that I will immediately cease the practice of medicine or psychotherapy and resign any licence or certificate to practice medicine in any jurisdiction.

I, Dr. ALLAN HERBERT UMAR KHITAB, expressly consent to the College of Physicians and Surgeons of Ontario placing the information found in this undertaking on the public register kept under s. 23 of the *Health Professions Procedural Code*.

I, Dr. ALLAN HERBERT UMAR KHITAB, have read this undertaking, have received independent legal advice, and confirm that I understand the significance of what I am undertaking to do.

The above Undertaking will be included in the College's public register in respect of Dr. Khitab.

FINDINGS

The Committee accepts as true all of the facts set out in the Statement of Agreed Facts.

Having regard to these facts, and the allegations against the member, the Committee accepted the member's plea and found Dr. Allan Herbert Umar Khitab guilty of professional misconduct under subsection 1(1)33 of O. Reg. 856/93, made under the *Medicine Act*, 1991, and under paragraphs 27.32 of O. Reg. 448 and 29.33 of O. Reg.

548, made under the *Health Disciplines Act*, 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.

PENALTY AND REASONS FOR PENALTY

A joint submission on the appropriate penalty and costs was made by counsel for the College and counsel for Dr. Khitab. The joint submission included recommendations that:

1. Dr Khitab be reprimanded and the fact of the reprimand be recorded on the register;
2. The Registrar revoke Dr. Khitab's certificate of registration, to take effect immediately; and,
3. Dr. Khitab pay to the College of Physicians and Surgeons of Ontario the costs of this hearing fixed in the sum of \$5,000, and that the costs are payable forthwith.

Counsel for the College submitted that the effect of the proposed order, together with the Undertaking, was that Dr. Khitab's certificate of registration to practice medicine in the province Ontario was revoked without any possibility of reinstatement. The effect of the Undertaking was such that Dr. Khitab had undertaken not to practice medicine or psychotherapy in any jurisdiction in the world. Counsel for Dr. Khitab supported these submissions.

The Committee carefully considered the submissions on penalty, the facts as set out in the Statement of Agreed Facts, the Undertaking by Dr. Khitab, as well as the circumstances of the case. The Committee unanimously concluded that the penalty jointly proposed by counsel for the College and Dr. Khitab was appropriate, and properly reflected the very serious sanction called for in the circumstances. The conduct was

flagrant and inappropriate, and revocation was the only appropriate result. In coming to its conclusion, the panel had due regard to the principles of protection of the public, general deterrence, specific deterrence, and denunciation.

ORDER

The Committee therefore ordered and directed that:

1. Dr. Khitab be reprimanded and the fact of the reprimand be recorded on the register;
2. The Registrar revoke Dr. Khitab's certificate of registration to take effect immediately; and,
3. Dr. Khitab pay to the College of Physicians and Surgeons of Ontario (the "College") the costs of this hearing fixed in the sum of \$5,000, such costs to be payable forthwith.

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