

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 Sections 38 to 56
of the Health Professions Procedural Code
of the Regulated Health Professions Act 1991,
S.O. 1991, c. 18, as amended.

BETWEEN:

THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO

- and -

DR. GERASIMOS IOANNIS KAMBITES

PANEL MEMBERS:

Dr. A. BIENENSTOCK (CHAIR)
DR. B. ADAMS
DR. M.S. RAPP
A. MACKENZIE
H. MAEOTS

HEARING DATE: November 15, 1999

DECISION/RELEASED: November 15, 1999

DECISION AND REASONS FOR DECISION

This matter came before the Discipline Committee of the College of Physicians and Surgeons of Ontario, at Toronto, on November 15, 1999.

ALLEGATIONS

It was alleged that Dr. Gerasimos Ioannis Kambites is guilty of professional misconduct under clause 51(1)(a) of the *Health Professions Procedural Code*, which is Schedule 2 to the Regulated Health Professions Act, in that he has been found guilty of an offence that is relevant to his suitability to practice.

PLEA

Dr. Kambites entered a plea of guilty.

EVIDENCE

The prosecution led evidence via an Agreed Statement of Facts which established the following:

1. On June 25, 1998, Dr. Kambites pled guilty in the Ontario court, Provincial Division, to one charge of fraud over \$5,000.00 under Section 380 (1)(a) of the *Criminal Code of Canada*. He was given a conditional discharge and ordered to donate \$15,000.00 to local charities.
2. The criminal charge was in respect to one patient. Dr. Kambites gave this patient \$5,000.00 to assist her in her educational initiatives. Between April 24, 1994 and May 5, 1995, he submitted bills to OHIP on behalf of services supposedly rendered to this patient which were not rendered. He intended to recoup only the money given to the

patient, but in all, billed a total of \$14,048.00 in fraudulent claims.

FINDING

The Committee accepted the plea and found Dr. Kambites guilty of professional misconduct as alleged in the Notice of Hearing.

PENALTY AND REASONS FOR PENALTY

The prosecution and defence submitted to the Committee a consent disposition in accordance with section 4.1 of *The Statutory Powers Procedure Act*.

Counsel for the defence presented a lengthy list of mitigating factors in support of the consent disposition which were set out in the Agreed Statement of Facts. These included the following:

1. In the period of 1995-97, Dr. Kambites had received an overpayment of \$21,000.00 from OHIP, which sum had nothing whatever to do with the matter before the Committee. Dr. Kambites demonstrated both diligence and honesty in spending considerable effort and time persuading OHIP that a mistake had been made, and returning the money to OHIP.
2. Dr. Kambites had been publicly shamed by the criminal proceedings to which he pleaded guilty. He was conditionally discharged by the Court and ordered to make a \$15,000.00 contribution to local charities. Dr. Kambites made the contributions and satisfied his discharge requirements.
3. Dr. Kambites is 50 years old, has no previous criminal record, and an unblemished and distinguished record in the community.
4. Full restitution was made prior to the criminal charge being laid, but after the patient

complained to the College.

5. Dr. Kambites has shown sincere and extreme remorse for his actions.
6. The offense occurred at a time of great personal crisis for Dr. Kambites.
7. He worked without compensation as a medical doctor and priest, in Uganda, from 1983 - 1988, raised money for their humanitarian project, and contributed his own money to it as well.
8. In 1985, he and his wife suffered loss of a newborn child.
9. In 1988, Dr. Kambites was imprisoned and tortured for several days in Uganda, feared for his life, and subsequently developed Post Traumatic Stress Disorder (PTSD).
10. Returning to Canada, Dr. Kambites maintained activity as a priest in his church, and completed both family practice and psychiatry residencies by 1994.
11. Dr. Kambites' marriage dissolved between 1992 and 1994.
12. His PTSD and also depression were diagnosed around this time.
13. Dr. Kambites has made active attempts (successful) at rehabilitating himself, both from PTSD, depression and relapse of an old substance abuse disorder. He is receiving extensive and competent medical care for these.

The consent disposition was accepted by the Discipline Committee, and the Committee made the Order that was prepared, as follows:

- (a) the Discipline Committee shall require that Dr. Kambites appear before it to be

reprimanded;

- (b) the fact of the reprimand shall be recorded in the Register;
- (c) Dr. Kambites shall be required to pay a \$5,000.00 fine to the Minister of Finance within 60 days of November 15, 1999; and
- (d) Dr. Kambites shall be required to pay \$2,500.00 in costs to the College within 60 days of November 15, 1999.

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