



Dr. Medhi HORRI

Council Decision

Date Charge(s) Laid:	March 24, 2017
Outcome Date:	June 16, 2017
Hearing:	Completed
Disposition:	Revocation, Conditions

Council took action under section 54.01 of *The Medical Profession Act, 1981* based upon a finding of unprofessional conduct by the Ontario College of Physicians and Surgeons. Details of the decision of the discipline committee of the Ontario College are available at their website <http://www.cpso.on.ca/public-register/doctor-details.aspx?view=4&id=%2087715>. The Ontario College had revoked Dr. Horri's licence but that decision is stayed pending an appeal to the Ontario Divisional Court.

Council revoked Dr. Horri's licence and adopted the following resolution:

*After considering the information presented to the Council, the Council orders that pursuant to sections 54.01 and 54(1)(a) of **The Medical Profession Act, 1981**, the name of Dr. Mehdi Horri is struck from the Register of the College of Physicians and Surgeons, effective June 16, 2017.*

Dr. Mehdi Horri may not apply to have his name restored to the Register until the following conditions have been met:

- a) *a period of nine months has elapsed from the effective date of revocation of his licence; and*
- b) *the Council receives a satisfactory report from a professional person, persons or organization chosen by the Council which attests that Dr. Mehdi Horri has undertaken counseling at his expense for boundary breach, has gained insight into the matter and has achieved a measure of rehabilitation which protects the public from risk of future harm from Dr. Mehdi Horri. Such a report may be provided by such other persons or organizations that are acceptable to the Registrar of the College of Physicians and Surgeons of Saskatchewan.*
- c) *Dr. Mehdi Horri may apply to have his name restored any time after condition b) is met, provided that the restoration will take effect only after the expiry of the nine month period referenced in condition a).*

**IN THE MATTER OF THE MEDICAL PROFESSION ACT, 1981
AND THE MATTER OF DR. MEHDI HORRI OF ESTEVAN, SASKATCHEWAN**

Michelle J. Ouellette, Q.C. & Anita G. Fraser for Dr. Mehdi Horri

Mr. Bryan Salte, Q.C. for the College of Physicians and Surgeons of Saskatchewan

REASONS FOR DECISION

OVERVIEW

- [1] The College of Physicians and Surgeons of Ontario revoked Dr. Horri's licence following the finding of unprofessional conduct involving a sexual relationship with a vulnerable former patient too soon after the termination of the doctor-patient relationship. That decision is now under appeal to the Ontario Court. Ontario legislation grants a stay of penalty to a physician who appeals a penalty decision. The result is that Dr. Horri's licence has been reinstated in Ontario. Dr. Horri, however moved to Saskatchewan in February 2012 to work as an anesthesiologist in Estevan.
- [2] On March 24, 2017, the CPSO Discipline Committee released its written decision, and directed revocation of Dr. Horri's certificate of registration. It also directed that Dr. Horri should be publicly reprimanded and that he should pay costs in the amount of \$10,000.
- [3] On April 6, 2017, Dr. Horri appealed the Ontario Penalty Decision to the Court of Appeal for Ontario. On April 7, 2017, Dr. Horri's Certificate of Registration in Ontario was reinstated.

ANALYSIS

- [4] Dr. Horri engaged in sexual intercourse with a very vulnerable former patient twenty years his junior with mental health and social problems just two weeks after the doctor patient relationship ended. She had admitted to suicidal thoughts. He sought her out after their last office appointment offering friendship and then had unprotected sex with her within two weeks. He was under a supervised practice at the time and sought no advice on this matter from his preceptor. Dr. Horri encouraged the relationship to continue even after he had relocated to another community.

The Position of the Registrar's Office

- [5] The Registrar's Office has indicated that Dr. Horri's conduct warrants either a significant suspension or revocation. The facts provided by the Ontario Discipline

Committee were sufficiently egregious that it may be necessary that Dr. Horri not be allowed to practice in Saskatchewan.

The Registrar did provide options for penalty for Council to consider.

- 1) Suspend under Section 48 of the Act pending the outcome of the Ontario Court of Appeal. The matter could then be revisited by Council to determine if a Section 54 suspension or revocation is required.
- 2) The Act allows Council to suspend a physician who has been suspended in another jurisdiction under Section 54.01 of the Act.
- 3) The Council can require an undertaking similar to that previously imposed by the Executive Committee indicating that unless Dr. Horri signs it, he will be suspended. The existing undertaking expires June 16, 2017.
- 4) Take no specific action.

The Position of Dr. Horri

[6] Dr. Horri submits that Council should not impose a temporary suspension pursuant to Section 48 of The Medical Profession Act, 1981 pending determination of the Ontario Penalty Appeal. He believes that under a Section 48 suspension there is a real risk that he may be prohibited from practicing medicine in Saskatchewan for a period longer than the typical penalty range in either Saskatchewan (four to six months) or Ontario (about five months) because of the slowness of the court system.

[7] Dr. Horri acknowledges Council's ability to impose a penalty in Saskatchewan pursuant to Section 54.01 of the Act. He would suggest that this be imposed after the determination of the Ontario Penalty Appeal.

DECISION

The Penalty

After considering the information presented to the Council, the Council orders that pursuant to sections 54.01 and 54(1)(a) of The Medical Profession Act, 1981, the name of Dr. Mehdi Horri is struck from the Register of the College of Physicians and Surgeons, effective June 16, 2017.

Dr. Mehdi Horri may not apply to have his name restored to the Register until the following conditions have been met:

a) a period of nine months has elapsed from the effective date of revocation of his licence; and

b) the Council receives a satisfactory report from a professional person, persons or organization chosen by the Council which attests that Dr. Mehdi Horri has undertaken counseling at his expense for boundary breach, has gained insight into the matter and has achieved a measure of rehabilitation which protects the public from risk of future harm from Dr. Mehdi Horri. Such a report may be provided by such other persons or organizations that are acceptable to the Registrar of the College of Physicians and Surgeons of Saskatchewan.

c) Dr. Mehdi Horri may apply to have his name restored any time after condition b) is met, provided that the restoration will take effect only after the expiry of the nine month period referenced in condition a).

REASONS FOR DECISION

- [8] The reasoning of the Ontario Discipline Committee demonstrates that there is a risk associated with permitting Dr. Horri to remain in practice. The committee concluded that Dr. Horri did not have appropriate insight and there wasn't assurance that he would not engage in future similar conduct.
- [9] If Council allowed Dr. Horri to remain in practice in Saskatchewan, when the Ontario College has determined his revocation is necessary to protect the public, it would bring the College into disrepute.
- [10] This penalty as outlined above is supported by the Saskatchewan cases of Dr. Kriel, Dr. Bierman and Dr. Mettle. Each of these physicians pled guilty to professional misconduct stemming from sexual relationships with current patients. A sexual relationship with a current patient is considered more egregious than a sexual relationship with a former patient. In Dr. Horri's case, it is the Council's opinion that the sexual relationship took place too soon after the termination of the doctor-patient relationship. In each of the named cases, the physician's licence was revoked for a period of nine months with conditions including counselling, education and an expert psychiatric assessment. In the case of Dr. Kriel there are similarities because even though he had sexual relations with a current patient, she was a vulnerable individual with mental health issues. In Dr. Bierman's case his patient was experiencing difficult personal issues, which she had disclosed to him, making her more vulnerable.
- [11] Currently Dr. Horri is entitled to practice in Ontario because the appeal to the courts has stayed his revocation. This does not mean he should be entitled to practice in Saskatchewan. Ontario has no reason to take any action to prevent him from practicing in Ontario pending his appeal as he is practicing in Saskatchewan, not Ontario. Council cannot guess the outcome of the appeal in Ontario as the law in Ontario directs that great deference be shown to a penalty decision of the College of Physicians of Ontario.

[12] Section 54.01 requires two things be established in order to act under section 54.01:

- 1) the act which the person has been is found to have committed is an act that, in Council's opinion, is unbecoming, improper, unprofessional or discreditable; and,
- 2) the physician subject to discipline in the other jurisdiction is the physician licensed in Saskatchewan.

These two things have been met as follows.

- 1) The facts determined by the Ontario College discipline committee leave no doubt that Dr. Horri's conduct was unprofessional. Dr. Horri admitted the conduct was unprofessional: Dr. Horri admitted the allegation in the Notice of Hearing that he has engaged in conduct or 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 Ontario College discipline committee decision characterized his conduct in the following terms:

The Committee took into consideration that the finding of professional misconduct in this case is a very serious finding of a sexual nature involving exploitation of a vulnerable patient within two weeks of the formal doctor-patient relationship ending.

- 2) Alyssa Van Der Woude has sworn an affidavit which demonstrates that the certificate of professional conduct dated February 27, 2012 from the College of Physicians and Surgeons of Ontario was part of the documentation which was in Dr. Horri's file with the College of Physicians and Surgeons of Saskatchewan and formed part of the documentation which caused the Saskatchewan College to issue a licence to him. That affidavit also demonstrates that the information from the Ontario College about Dr. Horri's credentials and practice is the same as the information for Dr. Mehdi Horri's licence by the Saskatchewan College. This proves that the Dr. Mehdi Horri disciplined in Ontario is the same as Dr. Mehdi Horri who is the subject of this hearing.

In determining penalty Council considered the following:

[13] The Council did find merit in Dr. Horri's argument that a Section 48 suspension, pending the outcome of the Ontario Court of Appeal, may place him at risk of prolonged penalty due to the lack of expediency of the Courts. As a result, the Council determined to apply penalty under section 54 of the act. This permitted the Council to determine the severity of penalty based on the findings of the discipline committee, independent of the findings of the Ontario Court of Appeal. The Council was in agreement with the CPSO revocation modified by the terms for possible reapplication. This is consistent with other comparable decisions.

[14] The patient was severely vulnerable and suffered from depression, anxiety and suicidal tendencies. She had little support from family and friends. The patient put a strong level of trust in Dr. Horri as she had never confided so much personal information to another professional. Because of the boundary violation, she has come to distrust other medical professionals. In her victim impact statement she indicated that she felt she had been manipulated by Dr. Horri and that she has suffered from the relationship.

[15] While Dr. Horri denied that he provided psychotherapy, the Discipline Committee concluded that it could be described loosely as supportive psychotherapy. The CPSO Policy Statement #4-08 "Maintaining Appropriate Boundaries in Preventing Sexual Abuse" clearly indicates that when the physician/patient relationship involves a significant component of psychoanalysis or psychotherapy, sexual involvement with a patient is likely inappropriate at any time after termination. In summary, this was a very vulnerable depressed person who clearly was impacted by this inappropriate relationship.

[16] Council also determined that the penalty was necessary to protect the public. In doing so, it both deters Dr. Horri from similar conduct and provides direction to him so as to avoid repetition. It also has the effect of deterring similar conduct by other physicians. Furthermore the penalty inspires public confidence in and credibility of, the medical profession and the College of Physicians and Surgeons of Saskatchewan.

[17] Dr. Horri has put forward that the inconvenience to his patients should be considered in determining the outcome. There is no evidence from the RHA that this is the case and Council did not consider this as a reason not to impose penalty.

Accepted by the Council of the College of Physicians and Surgeons: 30 September, 2017

