

COLLEGE OF PHYSICIANS & SURGEONS OF ALBERTA

IN THE MATTER OF
A HEARING UNDER THE *HEALTH PROFESSIONS ACT*,
R.S.A. 2000, c. C-7

AND IN THE MATTER OF A HEARING REGARDING
THE CONDUCT OF DR. MOHAMMED A.R. SAYEED

**DECISION OF THE HEARING TRIBUNAL OF
THE COLLEGE OF PHYSICIANS
& SURGEONS OF ALBERTA**

I. INTRODUCTION

1. The Hearing Tribunal held a hearing into the conduct of Dr. Mohammed A.R. Sayeed on February 8, 2021. The Hearing was held virtually on Zoom. The members of the Hearing Tribunal were:

Dr. Don Yee of Edmonton as Chair,
Dr. Vonda Bobart of St. Albert, and
Ms. June MacGregor of Edmonton (public member).

Ms. Katrina Haymond acted as independent legal counsel for the Hearing Tribunal.

2. In attendance at the hearing was Mr. Craig Boyer, legal counsel for the Complaints Director of the College of Physicians & Surgeons of Alberta. Also present was Dr. Mohammed A.R. Sayeed and Ms. Alison Gray, legal counsel for Dr. Mohammed A.R. Sayeed.

II. PRELIMINARY MATTERS

3. Neither party objected to the composition of the Hearing Tribunal or its jurisdiction to proceed with the hearing. There were no matters of a preliminary nature.

III. CHARGES

4. The Notice of Hearing listed the following allegations:
 1. During the period of 2016, you had an inappropriate sexual relationship with your vulnerable patient, A.B.¹, contrary to the College of Physicians and Surgeons of Alberta's (the College) Standard of Practice regarding Sexual Boundary Violations;
 2. For 2017 and 2018 you reported to the College on your annual renewal information form that you had not engaged in a sexual or inappropriate personal relationship with a patient when you knew that such answer was false;
 3. During the period of July 2016 to June 2018 you did fail to report your inappropriate sexual relationship with your patient, A.B. contrary to the College's Standard of Practice regarding Self-Reporting.

¹ The Notice of Hearing referred to the patient by her full name. However, the patient has been referred to using the pseudonym "A.B" for the purposes of the Hearing Tribunal's decision.

IV. EVIDENCE

5. The parties confirmed that they are proceeding by admission of unprofessional conduct. Mr. Boyer advised that he and Ms. Gray had compiled an Agreed Exhibit Book. The Hearing Tribunal was provided with the Agreed Exhibit Book prior to the Hearing date. The Exhibit Book was entered as 'Exhibit 1' by agreement. The parties did not introduce any other evidence and no witnesses were called to testify.

6. The Exhibit Book contained the following documents:
 - Tab 1: Notice of Hearing dated January 6, 2021
 - Tab 2: Memo to File dated June 25, 2018 by Dr. Caffaro regarding new complaint about Dr. Sayeed
 - Tab 3: Undertaking by Dr. Sayeed to the College of Physicians and Surgeons of Alberta ("CPSA") dated June 13, 2018
 - Tab 4: Letter from A. Gray to Dr. Caffaro dated July 19, 2018
 - Tab 5: Undertaking by Dr. Sayeed to the CPSA dated December 12, 2018
 - Tab 6: Letter from College of Physicians and Surgeons of Saskatchewan ("CPSS") dated January 1, 2019 with Order of CPSS Council dated August 31, 2018
 - Tab 7: College of Physicians and Surgeons of Saskatchewan public notice of Council Decision
 - Tab 8: Complaint form by A.B. to the CPSS dated March 12, 2018
 - Tab 9: Patient Chart for A.B. from Dr. Sayeed
 - Tab 10: Patient Chart for A.B. from Dr. Oshodi
 - Tab 11: Alberta Health billing records for medical visits by A.B. from 2010-2018 to Dr. Oshodi and Dr. Sayeed
 - Tab 12: Dr. Sayeed's CPSA Registration Information Form for 2017
 - Tab 13: Dr. Sayeed's CPSA Registration Information Form for 2018
 - Tab 14: CPSA Standard of Practice on Sexual Boundary Violations
 - Tab 15: CPSA Standard of Practice on Self-reporting to the College

V. SUBMISSIONS

Submissions on Behalf of The Complaints Director

7. Mr. Boyer indicated that there is an admission from Dr. Sayeed to all of the allegations in the Notice of Hearing. He stated that if the Tribunal accepted Dr. Sayeed's admission, the intention is that the parties will at a later date present evidence and make submissions on sanction. He stated that the essential components of today's Hearing for the Tribunal to consider were: the evidence presented to the Tribunal and, as directed by section 70(1) and (2) of the Health Professions Act, if the Tribunal was satisfied that there was sufficient evidence to support the admissions being made.

Mr. Boyer highlighted specific sections from Exhibit 1 for the Tribunal:

8. Page 1 of Exhibit 1 is the Notice of Hearing from the CPSA which outlines the allegations made against Dr. Sayeed. The CPSA was notified by the College of Physicians and Surgeons of Saskatchewan (CPSS) in June 2018 that Dr. Sayeed (who at the time was also a regulated member of the CPSS by virtue of having a medical practice in Lloydminster) was the subject of investigation by the CPSS for an alleged sexual relationship with a patient. At this time, Dr. Sayeed agreed to an undertaking with the CPSA requiring a chaperone with all attendances with female patients, female patient caregivers, family members and guardians present with a patient as of June 13, 2018. This undertaking is on page 8 of Exhibit 1.
9. Page 25 of Exhibit 1 is the Council Decision from the CPSS dated September 14, 2018. It summarizes that Dr. Sayeed is a 68 year-old physician licensed in Saskatchewan since 1975 and that he is a former member of Council of the CPSS. The patient he had a sexual relationship with is in her early 30's and was Dr. Sayeed's patient for 20 years. The patient is a resident of Alberta. The patient's date of birth is in 1986 so there is about a 34-year age difference between Dr. Sayeed and the patient. Dr. Sayeed admitted to the Unprofessional Conduct of having a sexual relationship with his patient and his license with the CPSS was revoked. Page 30 summarizes the nature of the patient's complaint to the CPSS regarding Dr. Sayeed and Mr. Boyer indicated the clinical details demonstrate the vulnerability of the patient in the situation.
10. Page 35-233 is the clinical chart for the patient from Dr. Sayeed. Clinical details about A.B.'s medical history summarized on page 46-47 of the Exhibit Book demonstrate relevant insight into her vulnerability in this case. Page 46 relates to a visit from February 2016 and Page 47 is a referral letter to a psychiatrist. Page 234 is the start of the patient records kept by A.B.'s psychiatrist and the details from her psychiatric

care, which are relevant to demonstrating the patient's vulnerability and give context to the gravity of the boundary violation.

11. Billings made to Alberta Health by Dr. Sayeed for care he provided to A.B. are summarized on pages 255-260. Page 261 is the CPSA Annual Renewal form from 2017 where he does not disclose his sexual relationship with a patient (page 268). Page 270 is the same form for 2018 and Dr. Sayeed again does not disclose any sexual relationship with any patient (page 277). The CPSA Standard of Practice pertaining to Sexual Boundary Violations is on page 279-282.
12. Mr. Boyer stated that if the Tribunal accepted Dr. Sayeed's admission to the allegations, it would be appropriate to proceed with a finding of Unprofessional Conduct. He submitted that for the Sanction phase it would be appropriate for A.B. to testify to demonstrate the significance and impact of Dr. Sayeed's actions on her life. This testimony would be for the purpose of sanction and would be provided at a later date.
13. Mr. Boyer ended by submitting that there is more than sufficient evidence to support Dr. Sayeed's admission to the three allegations in the Notice of Hearing and that all three charges are proven and amount to Unprofessional Conduct.

Submissions on Behalf of Dr. Sayeed

14. Ms. Gray stated that Dr. Sayeed has been a Family Physician practicing in Lloydminster since 1976 and that he has been awarded the 40-year life Membership from the CPSS. He has been involved in numerous community activities over the years. She submitted that Dr. Sayeed admits to the alleged conduct and that it constitutes Unprofessional Conduct. She confirmed that Dr. Sayeed admits to having sexual relations with his patient and did not disclose that on his 2017 and 2018 annual information forms for the CPSA. She stated that Dr. Sayeed fully accepts that his actions constitute Unprofessional Conduct pursuant to the Health Professions Act. She pointed out that pages 21-24 of the Exhibit book contain Dr. Sayeed's admission to the CPSS complaint, the Statement of Facts from the CPSS proceedings and the CPSS Council Decision.
15. Ms. Gray submitted that Dr. Sayeed's admission demonstrates he has taken full responsibility for his actions which has obviated the necessity for a potentially lengthy and costly hearing. As a former councilor of the CPSS, Dr. Sayeed is fully aware of how serious this matter is, and he has reflected upon his behavior in this matter and the negative impact it has had on his patient and the reputation of the medical profession.

VI. DECISION OF THE HEARING TRIBUNAL

16. The Hearing Tribunal has reviewed and considered the evidence and the submissions of the parties. The Hearing Tribunal finds that Allegations 1 through 3 are factually proven and finds that the conduct constitutes Unprofessional Conduct. The Hearing Tribunal's findings and reasons are set out below.

VII. FINDINGS AND REASONS

17. The Hearing Tribunal verified with Dr. Sayeed that he does admit to the allegations in the Notice of Hearing.

18. The Hearing Tribunal then confirmed that it felt that there was sufficient evidence to support Dr. Sayeed's admission and that the admitted conduct does represent Unprofessional Conduct. Dr. Sayeed had admitted to the same conduct with the same patient in a previous complaint and subsequent investigation with the CPSS. As a result of Dr. Sayeed's admission to the CPSS complaint, Dr. Sayeed's license with the CPSS was revoked. The Hearing Tribunal determined that Dr. Sayeed admitted the allegations and found no reason not to accept his admission.

Allegation 1

19. Allegation 1 alleges that during the period of 2016, Dr. Sayeed had an inappropriate sexual relationship with his vulnerable patient, A.B. contrary to the College of Physicians and Surgeons of Alberta's (the College) Standard of Practice regarding Sexual Boundary Violations.

20. A.B. initially filed a complaint with the CPSS regarding a sexual relationship she had with her physician Dr. Sayeed in March 2018. The Complaint was investigated by the CPSS and Dr. Sayeed admitted to the conduct and that it occurred on more than one occasion. The information from the complaint indicates that the sexual relationship between Dr. Sayeed and A.B. started prior to June 27, 2016. As a result, Dr. Sayeed's license with the CPSS was revoked.

21. At the CPSA Hearing, Dr. Sayeed confirmed to the Hearing Tribunal that he admits to all allegations in the Notice of Hearing. The Tribunal accepted Dr. Sayeed's admission, which was consistent with the information provided by A.B. in her complaint. Dr. Sayeed's admission was also consistent with the information in a letter from Bryan Salte from the CPSS to Dr. Caffaro, dated January 1, 2019, the written admission

provided by Dr. Sayeed to the CPSS, dated July 24, 2018, and the decision by the CPSS Council.

22. Accordingly, the Tribunal finds that Allegation 1 is proven. While acting as her physician and providing medical care for A.B. during 2016, Dr. Sayeed was involved in a sexual relationship with her. In doing so, he failed to maintain an appropriate professional boundary.
23. The Hearing Tribunal finds that the conduct with respect to Allegation 1 constitutes unprofessional conduct. The HPA defines unprofessional conduct to include a breach of the Standards of Practice and in this instance Dr. Sayeed breached the Standard of Practice pertaining to Sexual Boundary Violations (in force at the relevant time). This Standard stipulates that a regulated member must not initiate any form of sexual advance toward a patient or respond sexually to advances made by a patient.
24. In this particular case, Dr. Sayeed and A.B. had a long-standing doctor-patient relationship dating back to A.B.'s childhood. There are additional details presented about A.B.'s medical and psychiatric history that may have made her especially vulnerable. Taking advantage of a well-established therapeutic relationship with a vulnerable patient is a breach of the Standard of Practice and is incongruent with the expectations of a physician. Any boundary violation with a patient is serious given the power imbalance and the risk of harm to a patient.
25. For these reasons, Dr. Sayeed's boundary violation also harms the integrity of the regulated profession and constitutes unprofessional conduct.

Allegations 2 and 3

26. Allegation 2 alleges for 2017 and 2018 Dr. Sayeed reported to the College on his annual Renewal Information Form that he had not engaged in a sexual or inappropriate personal relationship with a patient when he knew that such answer was false.
27. Allegation 3 alleges during the period of July 2016 to June 2018 Dr. Sayeed did fail to report his inappropriate sexual relationship with his patient, A.B. contrary to the College's Standard of Practice regarding Self-Reporting.
28. At the CPSA Hearing, Dr. Sayeed confirmed to the Hearing Tribunal that he admits to having a sexual relationship with his patient A.B. From the information in the complaint to the CPSA, the sexual relationship started before June 27, 2016 and continued until at least March 8, 2017.
29. The Hearing Tribunal was presented with copies of Dr. Sayeed's Practice Permit Registration Information Form for 2016 and 2017 which includes a question pertaining to whether or not he was or had previously been

- involved in a sexual or inappropriate personal relationship with a patient that had not been previously reported to the College. For each year, Dr. Sayeed replied 'no' to this question.
30. The Tribunal accepted Dr. Sayeed's admission to his sexual relationship with A.B. and therefore finds that Allegations 2 and 3 are proven as Dr. Sayeed failed to disclose to the College when completing his Registration Information Form for renewal of his Practice Permit for 2016 and 2017 that he had engaged in an inappropriate personal or sexual relationship with his patient, A.B.
 31. The Hearing Tribunal also finds that the proven conduct is a breach of the College's Standard of Practice pertaining to Self-reporting to the College in that it violates the requirement that a physician must report to the College at the time of registration or whenever the physician becomes aware thereafter of a sexual or inappropriate personal relationship between the physician and the patient.
 32. Specifically, this Standard directs regulated members to report to the College, at the time of registration or whenever the physician becomes aware thereafter, a sexual or inappropriate personal relationship between the physician and the patient. Requiring physicians to report these matters to the College ensures that the College can effectively implement its regulatory functions and protect the public interest. If physicians do not comply with their regulatory obligations to report these matters to the College, the College will be frustrated in its mandate and patients may be harmed. By not self-reporting his sexual relationship with his patient A.B. to the College, Dr. Sayeed misled the College and allowed the inappropriate concurrent co-existence of a sexual relationship and a doctor-patient relationship with the same individual to continue. This frustrated the College's mandate of protecting the public.
 33. For the same reasons, Dr. Sayeed's failure to report that he had, or was engaging in a sexual or inappropriate personal relationship with his patient, A.B. also undermines the College's ability to carry out its public protection mandate and harms the integrity of the medical profession in the public's eye.
 34. Accordingly, the Tribunal finds that Allegations 2 and 3 are proven and that Dr. Sayeed's conduct with respect to Allegations 2 and 3 constitutes unprofessional conduct.

VII. CONCLUSION

35. As a result of the Hearing Tribunal's findings of unprofessional conduct against Dr. Sayeed for allegations 1 through 3, the Hearing Tribunal will

need to determine what, if any, orders it will make pursuant to section 82 of the HPA.

36. The Hearing Tribunal understands that the Complaints Director may wish to enter evidence (a statement from A.B.) to be considered by the Hearing Tribunal in making its order. The Hearing Tribunal requests that the parties discuss the timing and method of providing submissions and evidence on penalty to the Hearing Tribunal and advise the Hearings Director how they wish to proceed.

Dated: March 11, 2021

Signed on behalf of the Hearing
Tribunal by the Chair

3/11/2021

X 

Dr. Don Yee
Hearing Tribunal Chair
Signed by: Amanda Siebenga