



CPSA suspends Dr. Khaled Smeida for sexual misconduct

A Hearing Tribunal for the College of Physicians & Surgeons of Alberta has found Edmonton family physician Dr. Khaled Smeida guilty of sexual misconduct. Dr. Smeida has been suspended for a minimum of one year and must meet several conditions before returning to practice.

The College is responsible for reviewing and resolving complaints about Alberta physicians. In Dr. Smeida's case, three complaints were lodged against him from three different female patients. The charges centered on:

- Inappropriate behavior in the examination room with the patients, including non-medical questions and comments, touching and hugging.
- Sexual intercourse with one of the three patients.

Charges proven at the Hearing Tribunal

The Hearing Tribunal ruled the following charges were proven:

- Dr. Smeida failed to maintain an appropriate physician/patient relationship with patient "A", including the following:
 - Inappropriate hugging and touching during medical appointments.
 - Telling patient "A" she was a special patient and very special lady during medical appointments.
 - Purporting to end the physician/patient relationship for the purpose of pursuing an intimate relationship with patient "A".
 - Having sexual intercourse with patient "A" on three occasions in 2010.
- Dr. Smeida failed to maintain an appropriate physician and patient relationship with patient "B", including during a medical appointment in 2010:
 - Commenting on how good-looking patient "B" was.
 - Inappropriate stroking of patient "B's" hair and arm.
 - Inviting patient "B" to go out for dinner with him.

A further charge related to inappropriate questioning of patient "B" during the 2010 appointment was not proven.

The Tribunal dismissed the charge that Dr. Smeida hugged and referred to patient "C" as one of his favorite medical patients. Although the Tribunal found Dr. Smeida's decision to hug and make comments to patient C to be a case of poor judgment, his actions did not constitute a breach of the College's Standards of Practice and therefore did not constitute unprofessional conduct.

Conditions of the suspension

Dr. Smeida's suspension starts January 1, 2012 and will end December 31, 2012. Dr. Smeida will not be able to work as a physician during this period and must also meet the following conditions before

returning to practice. If he does not meet the conditions outlined below, he will be suspended an additional six months and must still complete the conditions before resuming active practice.

The Hearing Tribunal ruled Dr. Smeida must:

- Pay for and complete a boundaries course acceptable to the Complaints Director,
- Pay for, attend and fully cooperate with a multidisciplinary assessment by an assessment team acceptable to the Complaints Director,
- As a result of the assessment, Dr. Smeida must:
 - Pay for and attend any treatment program recommended by the assessment team,
 - If found unfit to practice by the assessment team, not return to practice until the Registrar determines he is fit to do so, even if he has served the suspension ordered by the Tribunal,
 - Upon returning to practice, submit to practice conditions in accordance with the recommendations of the assessment team,
- Only see female patients over the age of 15 years in the presence of a chaperone who has successfully completed the CPSA's chaperone training course,
- Pay the full costs of the investigation concerning Patients "A" and "B" of \$21,011.22, and
- Enter into a continuing care agreement for participation in the College's aftercare program for boundary violators for a minimum of five years.

The Hearing Tribunal also ordered that Dr. Smeida receive a reprimand.

Details of the disciplinary action against Dr. Smeida are posted on the CPSA website, published in the CPSA newsletter, and shared with regulatory Colleges across Canada and around the world.

Background:

When the College receives a written complaint, the Complaints Director determines how best to proceed based on options outlined in the *Health Professions Act*. These options include:

- Dismissal - due to insufficient evidence, or because the complaint is trivial or vexatious,
- Informal - where the complaint may be resolved directly between the complainant and physician,
- Consent - the complainant consents to the College working with the physician to make the necessary practice changes, or
- Formal investigation.

Complaints regarding Dr. Smeida were received in 2010 and were referred to the formal investigation process. Upon receipt of the complaints, as a precautionary measure, Dr. Smeida voluntarily agreed to have a chaperone present with female patients until the investigation was completed.

The investigation led to a Hearing Tribunal October 13-14, 2011. A Hearing Tribunal consists of two public physicians and one public member. The Tribunal considers the evidence presented, determines whether the physician is guilty of unprofessional conduct, and imposes penalty. Following the Tribunal's decision, the physician and/or the College has 30 days to appeal the decision to College Council. The physician can subsequently appeal to the Court of Appeal and the Supreme Court. The Hearing Tribunal for Dr. Smeida released their decision on November 17, 2011. There was no appeal.

A copy of the [Hearing Tribunal's decision](#) is posted on the CPSA website. A transcript of the hearing is available for a fee by submitting a written request to the CPSA Complaints department at channelle.riopel@cpsa.ab.ca.

NOTE: As the Hearing Tribunal ordered the hearing closed to the public, parts of the Hearing Tribunal's decision have been severed to protect the identity of the complainants. The transcript has been severed to remove information heard during the closed portions of the hearing.