

**News / Crime****Tougher action urged to probe doctors guilty of sex abuse**

Police and regulatory college can do more to trigger criminal investigations, critics say

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LUCAS OLENIUK / TORONTO STAR FILE PHOTO

A notice at the Mississauga clinic of Dr. Sastri Maharajh explains that he is no longer permitted to see female patients. Maharajh admitted to resting his cheek or placing his mouth on the breasts of as many as 13 patients. He was also given an eight-month suspension.

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**By:** Sadiya Ansari Staff Reporter, Published on Wed Nov 05 2014

The College of Physicians and Surgeons and police should take on a stronger role to launch criminal investigations into doctors found guilty of sexual abuse by their regulatory body, critics say.

“If it’s made public and they know there is a crime being committed, what the hell are the police doing if they are not acting on crime?” asked Eli Brooks, one of victims of Dr. George Doodnaught, the anesthesiologist convicted of sexually assaulting 21 women while unconscious.

Brooks called the disciplinary action brought against another doctor who was found guilty of sexual abuse by the college a “slap on the wrist.” At a college disciplinary hearing, Mississauga family doctor [Sastri Maharajh](#) admitted to resting his cheek or placing his mouth on the breasts of as many as 13 patients. He was given an eight-month suspension and restricted to practising on male patients only.

The case has raised questions about the role of the regulatory college and the police when there is evidence of a suspected crime by a doctor. The college has discretion to alert police, but does not have to by law. Police can pursue an investigation without a victim, but the norm is no complaint, no investigation.

A recent Star investigation found that two Mississauga health practitioners, including Maharajh, were not reported to police by their colleges after being disciplined for sexually abusing patients. Health Minister [Dr. Eric Hoskins](#) said he was “deeply concerned” about this and ordered a review of the legislation governing the province’s medical regulatory colleges that provides discretionary power to report possible crime.

Peel police have said they will investigate Maharajh if the college lodges a complaint.

The college will not say if it has been in touch with Peel police about Maharajh. As of Tuesday, the force was still not investigating.

In an email, college spokeswoman Kathryn Clarke noted that in cases where criminal conduct is suspected, “we routinely advise patients of the option of pursuing a complaint with police, if they have not already done so.”

Lawyer Susan Vella has defended victims of sexual abuse by doctors for 20 years. When asked about the college’s responsibility to report to police, she responded: “If anyone thinks the public is at risk of danger — it has to be a real risk of danger, not just a suspected one — then they should go to the police to voice that concern.”

While concerned with the “stage of healing” a victim is at when asked to come forward, Vella said she doesn’t think “there is anything stopping the police from investigating potential crime.”

Going through a regulatory hearing might prepare a victim for a criminal one, she added.

“If you’re dealing with individuals who have filed a complaint in another forum already, perhaps those people are prepared to go through a criminal process,” Vella said.

For Brooks, the criminal proceeding against Doodnaught helped her get past the assault.

“I needed to come forward to start healing,” Brooks said.

She said she realizes that might not be the case for other victims, but added, “the police have the responsibility to go to the victims and ask” if they want to come forward.

Amanda Dale, executive director of the Barbra Schlifer Clinic, is also concerned about the impact of a criminal case on a victim but said the “low bar” for the police should be to “invite the complainants to come forward.”

The college has a responsibility to report sexual abuse to police, said Dale, who is pursuing a PhD in law at York University.

“When you have reached a criminal bar, I think it’s obligatory.” Otherwise, regulatory bodies are sending a troubling message, she said.

“The message you are giving the public is there are certain professions that are above the law.”

Further, Dale said the high standard of trust placed in the profession makes it particularly important to ensure a high standard of patient protection.

“You’ve opened yourself up in a way that you do with no other professional. If he is operating in a zone of absolute protection, it’s inevitable that it’s going to be a shelter for abusers.”

On Tuesday, Progressive Conservative MPP Laurie Scott said the college should be required to report instances of sexual harassment or assault by doctors to police.

*With files from Laura Armstrong and Rob Ferguson*