



Dr. Fawzy GIRGIS

Discipline Hearing Committee Decision

Date Charge(s) Laid:	December 13, 2022
Date of Discipline Hearing:	October 9, 2024 November 4, 2024 December 3, 2024 December 19, 2024
Date of Penalty Hearing:	Pending

This matter proceeded to hearing before the Discipline Hearing Committee. The decision of that committee is attached. The matter will now proceed to penalty hearing before the CPSS Council at an upcoming meeting.

Once the date of the penalty hearing has been confirmed, it will be identified above and on the CPSS website under *Summary of Discipline Cases – Cases in Process*.

**In the Matter of *The Medical Professional Act, 1981*,
S.S. 1980-81, c. M-10.1, and**

DR. FAWZY GIRGIS, Medical Practitioner

**HEARING OF THE DISCIPLINARY HEARING COMMITTEE
OF THE COLLEGE OF PHYSICIANS AND SURGEONS
OF SASKATCHEWAN**

Saskatoon, Saskatchewan

DECISION

Before: Alma Wiebe, K.C. (Chair)
Mrs. Remi Ogunrinde
Dr. Schaana Van De Kamp

Appearances: E. Thompson, for the College of Physicians and Surgeons
Richika Bodani and Shelby Fitzgerald, for Dr. Fawzy Girgis

I. INTRODUCTION

1. The charges against Dr. Fawzy Girgis are as follows:

Charge 1: You, Dr. Fawzy Girgis are guilty of unbecoming, improper, unprofessional, or discreditable conduct contrary to the provisions of Section 46(o) of *The Medical Profession Act, 1981*, S.S. 1980-81 c. M-10.1 particulars of which are that you provided inaccurate information to the College of Physicians and Surgeons in Ontario in connection with an application for licensure.

The evidence that will be led in support of this charge will include one or more of the following:

- 1) You applied for licensure the with College of Physicians and Surgeons of Ontario.
- 2) You answered “no” to a question which asked whether you had ever been the subject of any complaint made to a medical licensing authority.
- 3) That statement was not accurate.
- 4) You answered “no” to a question whether you had ever been the subject of any type of investigation, inquiry or proceeding by a medical licensing authority relating to the professional conduct, competence, capacity or any other aspect of your medical practice.
- 5) That statement was not accurate.
- 6) One or both statements were made dishonestly, or in the alternative, you failed to exercise due diligence to ensure that you accurately responded to the questions in the application.

Charge 2: You, Dr. Fawzy Girgis are guilty of unbecoming, improper, unprofessional, or discreditable conduct contrary to the provisions of Section 46(o) of *The Medical Profession Act, 1981*, S.S. 1980-81 c. M-10.1 particulars of which are that you provided inaccurate information to the College of Physicians and Surgeons of Manitoba in connection with an application to renew your license.

The evidence that will be led in support of this charge will include one or more of the following:

- 1) In approximately October of 2018 you applied to renew your license with the College of Physicians and Surgeons of Manitoba.
- 2) You answered “no” to a question whether you had ever been denied an application for licensure, registration, permit or any other authorization to practice.
- 3) That statement was not accurate.
- 4) That statement was made dishonestly, or in the alternative, you failed to exercise due diligence to ensure that you accurately responded to the question.

Charge 3: You, Dr. Fawzy Girgis are guilty of unbecoming, improper, unprofessional, or discreditable conduct contrary to the provisions of Section 46(o) of *The Medical Profession Act, 1981*, S.S. 1980-81 c. M-10.1 and/or paragraph (b) of bylaw 7.2 under the heading “Accountability”, particulars of which are that you provided inaccurate information to the College of Physicians and Surgeons of Manitoba in connection with an application to renew your license.

The evidence that will be led in support of this charge will include one or more of the following:

- 1) In approximately October of 2019 you applied to renew your license with the College of Physicians and Surgeons of Manitoba.
- 2) You answered “no” to a question whether you had ever been denied an application for licensure, registration, permit or any other authorization to practice.
- 3) That statement was not accurate.
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- 4) That statement was made dishonestly, or in the alternative, you failed to exercise due diligence to ensure that you accurately responded to the question.
- 5) You answered “no” to a question whether you were currently the subject of an investigation or other proceeding in relation to your conduct, competence or capacity or fitness to practice.
- 6) That statement was not accurate.
- 7) That statement was made dishonestly, or in the alternative, you failed to exercise due diligence to ensure that you accurately responded to the question.

2. The College withdrew sub-paragraphs (5), (6) and (7) of Charge #3 and Dr. Girgis pled guilty to failure to exercise due diligence with respect to the remaining charges and not guilty to acting dishonestly.

3. The hearing commenced on October 9, 2024. Dr. Girgis made an application to the Discipline Hearing Committee requesting that the charges against him be dismissed on the ground of delay. This application was denied with written reasons on October 29, 2024. The hearing recommenced on November 4, 2024 at which time the College entered its case in the form of an Agreed Statement of Facts (Exhibit C-1). Dr. Girgis made application for a non-suit on the grounds that the College had not met its burden of proving dishonesty on his part. This application was dismissed with written reasons on November 27, 2024. The hearing reconvened on December 3, 2024 for presentation of Dr. Girgis’ case. At counsel’s request the matter was adjourned for written and oral argument to December 19, 2024.

II. EVIDENCE

4. The parties filed an Agreed Statement of Facts which, in summary, states the following:
 1. Dr. Girgis, registered with the Manitoba College of Physicians and Surgeons (CPSM) in 2007, was the subject of four investigations during the period 2010 to 2013, two of which were resolved by Dr. Girgis’ undertaking for self-directed learning, one with advice

respecting recordkeeping and patient assessment and the fourth was resolved without action on June 4, 2013.

2. In October 2017 Dr. Girgis applied for registration with the College of Physicians and Surgeons of Ontario (CPSO). In his application Dr. Girgis denied having ever been the subject of any complaint made to a medical licensing authority or to having ever been the subject of any type of investigation by a medical licensing authority. The questions to which Dr. Girgis replied “no” are as follows, with the emphasis in the original:

(i) Regardless of the outcome, have you ever been the subject of any complaint made a medical licensing authority? Be sure to disclose **all** complaints. Complaints that were dismissed, or closed with no further action, or otherwise resolved in any manner, must still be disclosed. [emphasis in original]

(iii) Have you ever been the subject of **any type** of investigation, inquiry or proceeding by a medical licensing authority relating to your professional conduct, competence, capacity, or any other aspect of your medical practice? *Be sure to disclose all medical licensing authority investigations, inquiries or proceedings, including any audits or assessments of your practice.* [emphasis in original]

3. CPSO received a CPSM Certificate of Professional Conduct for Dr. Girgis in October 2017 and became aware that he had been the subject of one complaint and three investigations. Dr. Girgis’ licensure application to CPSO was not approved.
4. On July 27, 2018 Dr. Girgis renewed his application to CPSO for licensure, responding “Yes. MB Explained” in response to the first question to which he had previously responded “No”. With respect to the second question Dr. Girgis answered “Yes” and “No” and added “MB Explained”. This application was denied by CPSO on September 13, 2018 with a letter to Dr. Girgis advising that the Official Order with reasons would follow which it did by letter dated December 11, 2018.
5. On October 10, 2018 Dr. Girgis applied to renew his license to practice with CPSM answering “No” to the following question:
 - (d) HAVE YOU EVER BEEN DENIED AN APPLICATION FOR LICENSURE, REGISTRATION, PERMIT OR ANY OTHER AUTHORIZATION TO PRACTISE?
6. On October 29, 2019 Dr. Girgis completed an online renewal form for licensure with CPSM in which he responded “No” to the question “Have you ever been denied an application for licensure, registration, permit or any other authorization to practice?”

7. In his 2020 application for renewal of his CPSM licensure Dr. Girgis acknowledged being the subject of a JMPRC audit in Saskatchewan in 2018 and four previous investigations by CPSM.
8. No disciplinary proceedings were initiated by CPSM in part because Dr. Girgis was no longer practicing in Manitoba at the time of their investigation committee review.

5. Dr. Girgis testified in his own defence before the Discipline Hearing Committee on December 3, 2024. He graduated with a medical degree in Egypt in 1987 and immigrated to Canada, practicing in Manitoba from 2007 until 2014 and in Saskatchewan since then. He applied for licensure in Ontario in 2017 because his son was planning to attend university there. As it turned out his son was accepted at the University of Saskatchewan in 2018 and the move to Ontario did not materialize.

6. Dr. Girgis testified that in his application for licensure to CPSO in October 2017 he responded no to the questions in the application regarding previous complaints and investigations because he understood that any complaint/investigation in Manitoba, not resulting in a suspension of his license was not relevant. He added that he did not know if he needed to mention the Manitoba complaints or not. He elected not to. He completed the CPSO application on his own without assistance.

7. Dr. Girgis filed an exchange of emails between himself and CPSO (D-1). On March 28, 2018, in a lengthy email, CPSO questioned Dr. Girgis on his responses to questions from CPSS as to whether he had ever been the subject of an inquiry or investigation by a medical licensing authority or hospital and whether he was aware of any complaint or charge pending against him by any medical licensing authority which might result in suspension, reprimand or other discipline stating that, based on the CPSM Certificate of Professional Conduct he ought to have responded “Yes” rather than “No” to both of these questions. CPSO requested a written explanation of these answers from Dr. Girgis. Dr. Girgis responded on the same date stating “... at that time in 2012 I don’t have any discipline or suspend as the question said and if you’ll look closely all that complaints closed in January, 11, 2012 except the last one closed in June, 4, 2013 with No Action needed so I had

answered No because no suspend or discipline at that time and I explained this to the CPSS and they accepted it at that time. There is nothing to hide, it just misunderstanding of the question.”.

8. Not satisfied with this response, CPSO, on March 29, 2018, emailed Dr. Girgis asking that he respond specifically to the question “Have you ever been the subject of an inquiry or investigation by a medical licensing authority or hospital?”. Dr. Girgis responded on the same date stating “Right now I am not under any investigation until 2013 I was under investigations and above you received fro[m] CPSM the end results”. CPSO, on May 11, 2018 wrote to Dr. Girgis as follows:

Thank you for your response, however it does not address the question. If you could please respond to the following question against:

Why did you respond no on the CPSS declaration form, in the year 2013, to the question that asks:

Have you **ever** been the subject of an **inquiry or investigation** by a medical licensing authority or hospital?

For clarification, the question is not asking whether you are currently the subject of an investigation, but why, knowing that you were investigated by the CPSM, you answered “no” to ever being the subject of an investigation with a medical licensing authority.

9. On May 12, 2018 Dr. Girgis responded “I apologies for this misunderstanding of the question so I answered no but it should be yes for the College of Saskatchewan ...”

10. In his testimony Dr. Girgis stated that, as a consequence of this communication he was aware that CPSS was in communication with CPSO. Further, that he now understood CPSO’s concerns and reiterated that at the time that he thought he did not need to mention the CPSM complaint/investigations if they ended with self-learning. He emphasized that he was not trying to hide anything.

11. Dr. Girgis testified that after receiving the CPSO correspondence of September 19, 2018 advising that his application for registration had been denied, that the written Order with reasons would follow and that upon receipt, he would have 30 days to appeal, Dr. Girgis contacted a lawyer and instructed an appeal be taken. Meanwhile, he applied for licensure renewal with CPSM on October 10, 2018. Because he had not yet received the “final” decision from CPSO and the reasons for it and because he planned to appeal the CPSO decision, he told CPSM he had not been denied licensure elsewhere. Again he completed this renewal application on his own without assistance. He stated he reapplied to CPSO in January 2019 but subsequently withdrew his application.

12. When Dr. Girgis applied for renewal of registration with CPSM in October 2019, he again answered “No” to the question as to whether he had been denied licensure because he thought his appeal was still pending in Ontario and therefore was not a “final” decision. He knew CPSS and CPSO were in communication with each other. He was not trying to hide the CPSO registration denial.

13. In his October 27, 2020 application for renewal with CPSM Dr. Girgis responded “Yes” to the questions concerning previous reviews of conduct, competence, or capacity or fitness to practice. In his testimony Dr. Girgis stated that at that time the CPSO appeal was still pending but he had reapplied for registration in Ontario. He had learned, by that time, that whenever a complaint, whatever the results, is made it affects reapplication for licensure. Since 2021 he has asked the CMPA for assistance in completing his renewal applications.

14. On cross-examination Dr. Girgis acknowledged that he had been instructed to and had attended a medical and ethics course in Calgary as part of an undertaking to CPSS. Regarding his CPSM renewal applications he stated he did not mention the complaint/investigations because of how they ended but that he knew, at the same time, that CPSM’s Certificate of Professional Conduct would include his history.

15. Dr. Girgis testified that his understanding, based on conversations with colleagues, was that he did not need to mention the Manitoba matters in his CPSO application because they were not important. Only higher level, bigger matters had to be disclosed. He misunderstood and subsequently apologized to CPSO. He acknowledged the bolding and underlining in the CPSO application form and thought at the time that if the previous complaints or investigations were “not major” there was no need to mention them. It was not his intention to hide this information or to lie about it. He acknowledged that he should have asked for help rather than completing the form by himself but that he made a “mistake”. Contacting CPSO for advice involved waiting on the telephone and leaving a message. Dr. Girgis testified that he did not read every word of the CPSO application and completed it quickly. He reiterated that he believed that minor matters did not need to be reported although nothing in the question on the application led him to that belief.

16. With respect to his CPSM renewal application in 2018, he thought the CPSO decision denying him licensure was not final because it could be appealed. In 2019, although he had received CPSO's reasons for denial of his application for licensure, an appeal of this decision was underway. For this reason he could complete his CPSM renewal application in the manner he did. He subsequently withdrew his application for registration to CPSO and his appeal of the CPSO decision. Thereafter he responded accurately to the CPSM. In responding "No" to CPSM's question concerning previous denials of applications for licensure Dr Girgis said he could have referred to the CPSO decision denying his registration application and that he was appealing that denial however the application did not ask those questions. Again, his understanding that the CPSO decision was not final came from conversations with colleagues and staff.

III. ARGUMENT

17. Counsel agreed that the issue before this Committee is whether the College has, on a balance of probabilities, proven dishonesty on Dr. Girgis' part. The College argued that Dr. Girgis, by giving false answers to questions on his CPSM and CPSO applications, must be taken to have intended the natural consequences of his acts i.e. deceiving the recipients. Counsel urged us to infer dishonesty on Dr. Girgis' part given the number of separate instances in which false answers were provided to questions clearly bolded by two regulatory bodies giving clear and explicit warnings against nondisclosure. Inadvertence or mistake is improbable in those circumstances.

18. Counsel for Dr. Girgis submitted that this Committee has no reason to disregard the direct evidence from Dr. Girgis regarding his intentions. Circumstantial evidence is not sufficient to outweigh Dr. Girgis direct evidence. While Dr. Girgis' belief that an appeal stayed the decision of the CPSO was incorrect it was not dishonest. Likewise with respect to his mistaken beliefs regarding prior complaints/investigations. While demonstrating lack of due diligence, these do not prove dishonesty. He made mistakes and learned from them.

IV. DECISION

19. Honesty and candor on the part of its members is the foundation upon which the privilege of self-governance rests. Professional governing bodies rely on the integrity of their members to perform their function – regulating the profession in the public interest thus maintaining, among

other things, public trust in the profession. False information on applications or renewal applications for licensure by a physician represents a serious breach of trust. As stated in *I.C.N. v. College of Physicians and Surgeons of Ontario*, 2010:

[59] ... It is a professional obligation to be truthful and candid about all information required in the application process. ...

20. As already stated, the onus is on the College on a balance of probabilities to establish dishonesty on the part of Dr. Girgis. That onus is not altered or increased by the seriousness of the consequences to Dr. Girgis should we find in the College's favour.

21. We have closely examined all of the evidence including Dr. Girgis' testimony to determine whether it discloses, in addition to a failure to exercise due diligence which is admitted, that Dr. Girgis dishonestly withheld vital information on the three applications which are the subject of the charges against him. We turn first to the applications in question. There can be no doubt that the questions to which Dr. Girgis falsely replied were clear and unambiguous. In the 2017 CPSO application the questions were:

(i) Regardless of the outcome, have you ever been the subject of any complaint made a medical licensing authority? Be sure to disclose **all** complaints. Complaints that were dismissed, or closed with no further action, or otherwise resolved in any manner, must still be disclosed. [emphasis in original]

(iii) Have you ever been the subject of **any type** of investigation, inquiry or proceeding by a medical licensing authority relating to your professional conduct, competence, capacity, or any other aspect of your medical practice? *Be sure to disclose all medical licensing authority investigations, inquiries or proceedings, including any audits or assessments of your practice.* [emphasis in original]

22. Likewise, the 2018 CPSM application posed the following question in all capitals:

(d) HAVE YOU EVER BEEN DENIED AN APPLICATION FOR LICENSURE, REGISTRATION, PERMIT OR ANY OTHER AUTHORIZATION TO PRACTISE?

Dr. Girgis selected "No" in response to this question.

23. The same question, minus the all caps, appeared in the CPSM 2019 renewal application.

24. The declarations at the end of the CPSO form warned that false representations made, knowing them to be false, for the purpose of having a Certificate of Registration issued is an offence. Dr. Girgis certified in writing that he had read and understood the application, that the answers were

true, complete and without intent to mislead and with knowledge that the declaration has the same force and effect as if made under oath.

25. The CPSM application of 2018 contained warning paragraphs immediately above the declaration of veracity:

WARNING: THE MANITOBA MEDICAL ACT STATES THAT WHERE ANY PERSON PROCURES HIS REGISTRATION OR CAUSES IT TO BE PROCURED, BY MEANS OF ANY FALSE OR FRAUDULENT REPRESENTATION, EITHER ORALLY OR IN WRITING, THAT PERSON'S REGISTRATION WILL BE CANCELLED.

26. Notably, Dr. Girgis' 2018 and 2019 CPSM applications were completed after he received notice from CPSO advising him that he had been refused a Certificate of Registration to practice medicine in Ontario together with the Official Order and reasons for the Order.

27. Exhibit D-1, correspondence between CPSO and Dr. Girgis in March and May, 2018, between the time Dr. Girgis applied to CPSO for registration in October 2017 and was refused registration in September 2018, reveals the CPSO's attempts to extract an explanation from Dr. Girgis for what CPSO by then knew were false answers to the questions in their application regarding previous complaints and investigations. On March 28, 2018 a clear request for an explanation was made. The request was renewed on March 29, 2018 and again on May 11, 2018. Dr. Girgis' responses to these questions, albeit related to Dr. Girgis CPSS application for registration, are evasive at best seemingly suggesting that the question on the application referred only to current as opposed to any investigation. After three attempts by the CPSO to get a clear answer Dr. Girgis apologized for his "misunderstanding of the question".

28. It was after this rather torturous series of emails that Dr. Girgis completed his 2018 and 2019 renewal applications to CPSM, again answering falsely to clear questions on these occasions as to whether he had ever been denied licensure/registration. By this time, Dr. Girgis had consulted a lawyer and presumably obtained legal advice regarding his appeal of the CPSO decision refusing him registration in Ontario. Despite this, he persisted in his defence that the CPSO decision was not final until his appeal had been heard and determined. The appeal and his renewed application to CPSO were abandoned when his son decided to remain in Saskatchewan.

29. In summary, despite clear, unambiguous, bolded, capitalized questions and warnings against false representations in three separate applications on three separate occasions; a series of correspondence with CPSO concerning inaccurate representations; and the assistance of a lawyer, Dr. Girgis persisted in his belief that questions concerning any complaints/investigations ever referred only to current ones or those that did not result in suspension or discipline. Further, that a refusal of licensure was not an actual refusal when an appeal was planned or pending. These beliefs were based on information gleaned from unnamed colleagues at unspecified times and stretch credulity.

30. While carelessness, haste and unreliable information was at play, as admitted, Dr. Girgis' conduct goes beyond that. He made choices about what he considered relevant in his CPSO application and what he considered legal in his CPSM applications. We accept the College's contention that these choices were intentional and deliberate not merely mistakes and misunderstandings. In short, we conclude that Dr. Girgis failed in his obligation to be candid, forthcoming and honest in his applications to both regulatory bodies and find him guilty of all three charges.

31. Our thanks to all counsel for their able and considered representation throughout.

DATED at Saskatoon, Saskatchewan, this 16th day of January, 2025.



Alma Wiebe, K.C.,
Chair of the Disciplinary Hearing Committee

"Mrs. Remi Ogunrinde"
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Member of the Disciplinary Hearing Committee

"Dr. Schaana Van De Kamp"
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