

## ONTARIO PHYSICIANS AND SURGEONS DISCIPLINE TRIBUNAL

College of Physicians and Surgeons of Ontario

**College**

- and -

Koma Diryawish Israel

**Registrant**

### NOTICE OF HEARING

On [January 31, 2024](#) panel of the Inquiries, Complaints and Reports Committee of the College referred specified allegations of Dr. Israel's professional misconduct and/or incompetence to the Tribunal.

#### **The specified allegation(s) are:**

1. that Dr. Israel has committed an act of professional misconduct:
  - a. under clause 51(1)(b.1) of the Health Professions Procedural Code which is Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c.18 (the "Code") in that the member engaged in sexual abuse of a patient;
  - b. under paragraph 1(1)33 of Ontario Regulation 856/93 made under the *Medicine Act, 1991* ("O. Reg. 856/93"), in that the member has engaged in 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;
  - c. under clause 51(1)(a) of the Health Professions Procedural Code which is Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c.18 (the "Code"), in that the member has been found guilty of an offence that is relevant to his suitability to practise; and
  - d. under paragraph 1(1)34 of O. Reg. 856/93 in that the member engaged in conduct unbecoming a physician.

Further information about the allegations is contained in Schedule "A" to this notice of hearing.

The Tribunal will hold a hearing under sections 38 to 56 of the Health Professions Procedural Code (Code) and the *Statutory Powers Procedure Act*, on a date or dates to be set at a case management conference, to decide whether the registrant has committed an act or acts of professional misconduct and/or is incompetent.

The College will file this Notice with the Tribunal. The Tribunal will then set a date for the first case management conference and send it to the parties with more information about the Tribunal's process.

**If the registrant or their representative does not attend the case management conference or the hearing, the Tribunal may proceed in the registrant's absence and the registrant is not entitled to any further notice in the proceeding.**

If the Tribunal finds the registrant committed an act or acts of professional misconduct, it may make one or more of the following orders under subsections 51(2) of the Code.

- direct the Registrar to revoke the registrant's certificate of registration.
- direct the Registrar to suspend the registrant's certificate of registration for a specified period of time.
- direct the Registrar to impose specified terms, conditions and limitations on the registrant's certificate of registration for a specified or indefinite period of time.
- require the registrant to appear before the Tribunal to be reprimanded.
- require the registrant to pay a fine of not more than \$35,000 to the Minister of Finance.
- if the act of professional misconduct was the sexual abuse of a patient, require the registrant to reimburse the College for funding provided for that patient under the program and/or require the registrant to post security acceptable to the College to guarantee this payment.

If the Tribunal finds that the registrant committed the misconduct set out in allegation 1(a), it is mandatory under s. 51(5.2) of the Code that the Tribunal reprimand the registrant and revoke the registrant's certificate of registration in addition to any other order.

The Tribunal may, under subsection 53.1 of the Code, require the registrant to pay all or part of the College's costs and expenses.

The Tribunal's website ([www.opsdt.ca](http://www.opsdt.ca)) includes the Tribunal's Rules of Procedure, Practice Directions and guides to the process.

Date: 2024-01-31

**College of Physicians and Surgeons of Ontario**

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## **SCHEDULE “A”**

1. Dr. Koma Diryawish Israel (“Dr. Israel”) is a physician practicing in Hamilton, Ontario.

### **Patient A**

2. Between approximately 2016 and 2020, Patient A, whose identity has been disclosed under separate cover, was a patient of Dr. Israel.

3. Dr. Israel engaged in sexual abuse of and/or disgraceful, dishonourable or unprofessional conduct towards Patient A, including but not limited to: engaging in touching of a sexual nature of Patient A including her genitals, kissing and hugging Patient A, and making remarks of a sexual nature to Patient A.

4. On or about October 18, 2022, Dr. Israel was found guilty of assault of Patient A under section 266 of the Criminal Code of Canada. He was sentenced to a suspended sentence and a period of probation. The offence is relevant to his suitability to practice.

5. Dr. Israel’s conduct underlying the criminal charge and conviction is conduct unbecoming a physician and/or conduct relevant to the practice of medicine, that having regard to all the circumstances would reasonably be regarded by members as disgraceful, dishonourable or unprofessional conduct.

### **Patient B**

6. In approximately 2021, Patient B, whose identity has been disclosed under separate cover, was a patient of Dr. Israel.

7. Dr. Israel engaged in sexual abuse of and/or disgraceful, dishonourable or unprofessional conduct towards Patient B, including but not limited to: engaging in touching of a sexual nature of Patient B’s breasts and making remarks of a sexual nature to Patient B.

ADDITIONAL INFORMATION ABOUT THE ALLEGATIONS AGAINST THE REGISTRANT WILL BE PROVIDED IN ADVANCE OF THE HEARING.