

**THE EXECUTIVE COMMITTEE OF
THE COLLEGE OF PHYSICIANS AND SURGEONS OF MANITOBA**

IN THE MATTER OF: A hearing pursuant to Part 4 of *The Regulated Health Professions Act C.C.S.M.* c. R117 (the “RHPA”)

AND IN THE MATTER OF: Dr. Amir Houshang Mazhari Ravesh, a member of College of Physicians and Surgeons of Manitoba (“CPSM”)

AND IN THE MATTER OF: Notice of Intention to Consider Cancellation of Certificate of Registration, dated December 7, 2020

Members of the Executive Committee (the “Committee”)

Dr. Ira Ripstein, President of CPSM, Chair
Dr. Eric Sigurdson
Dr. Jacobi Elliot
Dr. Brian Postl
Mr. Allan Fineblit LL. B., Q.C., Public Representative
Ms. Marvella McPherson C.M., B.N., R.N (ret.), Public Representative

Counsel

Vivian E. Rachlis, counsel for the Executive Committee
Jeremy de Jong and Jocelyne Ritchot, counsel for the Registrar

RESOLUTION AND ORDER OF THE EXECUTIVE COMMITTEE

WHEREAS on December 7, 2020, the Registrar of the College of Physicians and Surgeons of Manitoba (“CPSM”) requested, pursuant to Section 48(3) of *The Regulated Health Professions Act* (the “RHPA”), that the Executive Committee of CPSM (the “Committee”) consider canceling Dr. Amir Houshang Mazhari Ravesh’s (“Dr. Ravesh”) Certificate of Registration (the “Registrar’s cancellation request”);

AND WHEREAS the RHPA, CPSM’s *Affairs of the College Bylaw* (the “Bylaw”) and CPSM’s *Practice Direction, Cancellation of Registration or Certificates of Practice*

Pursuant to Section 48 of the RHPA govern the Committee's procedures and jurisdiction in the matter;

AND WHEREAS pursuant to Section 17(1) of the RHPA and Section 91(b) of the Bylaw, the Council of the Executive Committee of CPSM ("Council") has delegated to the Committee the authority to determine requests made by CPSM under Section 48(3) of the RHPA;

AND WHEREAS pursuant to Section 48(3) of the RHPA, the Committee, as Council's delegate, may direct the Registrar to cancel a member's registration, if the member has been convicted of an offence that is relevant to his or her suitability to practice;

AND WHEREAS on December 16, 2019, following a trial before Justice K Champagne ("Justice Champagne") of the Manitoba Court of Queen's Bench, Dr. Ravesh was convicted on six counts of sexual assault respecting six separate women (the "Convictions"), between April 2016 and October 2017, all of whom were patients of Dr. Ravesh, and all convictions having arisen out of clinical encounters with such patients;

AND WHEREAS Justice Champagne issued reasons for his decision respecting the Convictions on January 30, 2020;

AND WHEREAS on December 16, 2020, Dr. Ravesh was given notice of the hearing into the Registrar's cancellation request and the procedural matters associated with the hearing;

AND WHEREAS on January 13, 2021, the Committee convened a virtual hearing to determine the Registrar's cancellation request, at which Counsel for the Registrar made submissions and Dr. Ravesh made submissions on his own behalf; and

ON REVIEWING the written materials and considering the oral submissions of the parties, and on carefully deliberating upon its decision in the matter, the Committee determined

that the Convictions are relevant to Dr. Ravesh's suitability to practise, and has determined to cancel Dr. Ravesh's registration, pursuant to Section 48(3) of the RPHA.

THE EXECUTIVE COMMITTEE HEREBY RESOLVES AND ORDERS THAT:

1. Pursuant to Section 48(3) of *The Regulated Health Professions Act*, effective immediately, the Executive Committee of CPSM has canceled the Certificate of Registration of Dr. Amir Houshang Mazhari Ravesh, who was convicted by the Court of Queen's Bench on December 16, 2019 of a criminal offence that is relevant to his suitability to practice.
2. The Committee retains jurisdiction for the purposes of any further Order associated with its Resolution and Order herein.

DATED this 28th day of January, 2021.



Dr. Ira Ripstein,
Chair of the Executive Committee
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THE EXECUTIVE COMMITTEE OF THE COLLEGE OF PHYSICIANS AND SURGEONS OF MANITOBA

IN THE MATTER OF: **A hearing pursuant to Part 4 of *The Regulated Health Professions Act*, CCSM c. R117 (“RHPA”)**

AND IN THE MATTER OF: **Dr. Amir Houshang Mazhari Ravesh, a member of College of Physicians and Surgeons of Manitoba (“CPSM”)**

AND IN THE MATTER OF: **Notice of Intention to Consider Cancellation of Certificate of Registration, dated December 7, 2020**

REASONS FOR RESOLUTION AND ORDER OF THE EXECUTIVE COMMITTEE

Members of the Executive Committee (the “Committee”)

Dr. Ira Ripstein, President of CPSM, Chair
Dr. Eric Sigurdson
Dr. Jacobi Elliott
Dr. Brian Postl
Mr. Allan Fineblit LL. B., Q.C., Public Representative
Ms. Marvelle McPherson C.M., B.N., R.N. (ret.), Public Representative

Counsel

Vivian E. Rachlis, counsel for the Executive Committee
Jeremy de Jong and Jocelyne Ritchot, counsel for the Registrar

INTRODUCTION

On December 16, 2019, following a trial before Justice K Champagne of the Manitoba Court of Queens Bench, Dr. Amir Houshang Mazhari Ravesh (“Dr. Ravesh”) was convicted on six counts of sexual assault respecting six separate women (the “Convictions”). The charges supporting the Convictions arose from incidents occurring between April 2016 and October 2017. All women were patients of Dr. Ravesh; all convictions arose out of clinical encounters with such patients.

Justice Champagne issued reasons for decision¹ on January 30, 2020 (“Justice Champagne’s Decision”). On September 18, 2020 Dr Ravesh was sentenced to seven years incarceration in relation to the six convictions.

On December 7, 2020, the Registrar of the College of Physicians and Surgeons of Manitoba (“CPSM”) requested, pursuant to Section 48(3) of the RHPA, that the Executive Committee of CPSM consider cancelling Dr. Ravesh’s Certificate of Registration (the “Registrar’s cancellation request”).

By letter dated December 16, 2020, General Counsel for CPSM advised Dr. Ravesh that the Registrar’s cancellation request was scheduled to be heard on January 13, 2021 at 1:00 pm. Dr. Ravesh was advised that due to COVID-19 restrictions the hearing into the Registrar’s cancellation request would be conducted through a virtual platform. In the same letter, Dr. Ravesh was advised of a number of other process-related matters in connection with the hearing, including his ability to file a written submission should that be his desire.

On January 13, 2021, the Executive Committee convened a virtual hearing to consider the Registrar’s cancellation request (the “hearing”). Dr. Ravesh attended the hearing and made representations on his own behalf.

Dr. Ravesh did not dispute that the convictions had been entered by the Court and that he had been sentenced to the period of incarceration. He advised the Executive Committee that he was appealing his convictions to the Manitoba Court of Appeal and that the Court had granted his interim release pending appeal.

Following the hearing, the Committee deliberated and passed a Resolution allowing the Registrar’s cancellation request, thereby agreeing to cancel Dr. Ravesh’s Certificate of Registration. The Committee is issuing its Resolution and Order in respect of the matter. These are the Committee’s reasons for its Resolution and Order.

¹ *R. v Amir Houshang Mazhari-Ravesh* [2020] CR 18-01-36692

PROCEDURE AND JURISDICTION

This matter proceeded before the Executive Committee pursuant to the following:

The Regulated Health Professions Act, CCSM c. R117²:

Cancelled if conviction

48(3) The council may direct the registrar to cancel a member's registration or certificate of practice, or both, if the member has been convicted of an offence that is relevant to his or her suitability to practise, but it must first notify the member that it intends to do so and give him or her the opportunity to make submissions.

Under Section 17(1) of the RHPA and Section 91(b) of CPSM's *Affairs of the College Bylaw*³, Council of CPSM has delegated to the Executive Committee (the "Committee") the authority to hear matters under Section 48(3) of the RHPA. The Committee was duly constituted in accordance with the RHPA and the *Affairs of College Bylaw*.

The Registrar submitted a "Report of the Registrar under Section 48 of the RHPA", marked as Exhibits 1 (a) through (e), consisting of the following:

- 1 (a) Report to Executive Committee from the Registrar;
- 1 (b) Justice Champagne's decision, December 16, 2019 (136 pages);
- 1 (c) Direct Indictment; Disposition sheet signed by Champagne J;
- 1 (d) Letter from Dr. Ziomek, Registrar CPSM, to Dr. Mazhari-Ravesh dated December 2, 2020 with attached Notice of Intention to Consider Cancellation; and
- 1 (e) CPSM's Practice Direction, *Cancellation of Registration or Certificates of Practice Pursuant to Section 48 of the RHPA* (the "Practice Direction").⁴

² https://web2.gov.mb.ca/laws/statutes/ccsm/_pdf.php?cap=r117

³ <https://College.mb.ca/assets/ByLaws/Affairs%20of%20the%20College%20Bylaw.pdf>

⁴

<http://www.cpsm.mb.ca/assets/Practice%20Directions/Cancellation%20of%20Registration%20or%20Certificate%20of%20Practice%20Pursuant%20to%20S.%2048%20of%20the%20RHPA.pdf>

The Registrar filed a written submission (Exhibit 3) setting out her position in relation to the Registrar's cancellation request. Dr. Ravesh received the Registrar's submission and was given the opportunity to both file a written submission as well as making oral submissions at the hearing. Dr. Ravesh declined the opportunity to file a written submission and made oral submissions at the hearing.

At the hearing held on January 13, 2021, members of the Committee carefully reviewed the materials filed, the written submission of the Registrar, and carefully considered the oral submissions of the parties.

The Committee finds that the jurisdictional and procedural requirements in the RHPA, the *Affairs of College Bylaw* and the Practice Direction have been met in this case.

After careful review and deliberation, on January 13, 2021, the Committee passed the following resolution:

"Pursuant to Section 48(3) of *The Regulated Health Professions Act*, effective immediately, the Executive Committee of the College of Physicians and Surgeons of Manitoba has canceled the Certificate of Registration of Dr. Amir Houshang Mazhari Ravesh, who was convicted by the Court of Queen's Bench on December 16, 2019 of a criminal offence that is relevant to his suitability to practice".

("the Section 48(3) Resolution")

These are the reasons of the Committee in the matter.

FACTUAL BACKGROUND

Dr. Ravesh is a family physician with a medical practice in the City of Winnipeg. Dr. Ravesh had a Certificate of Registration with CPSM prior to these events.

In October 2017, concerns regarding the matters underlying the Convictions were brought to the attention of CPSM's Investigation Committee. On October 24, 2017, Dr. Ravesh signed an undertaking with CPSM to cease practice; further as a condition of

his judicial interim release (the “bail conditions”) Dr. Ravesh was ordered to cease practicing medicine pending his court proceedings.

Dr. Ravesh was charged on February 27, 2018. The Crown proceeded by Direct Indictment (Exhibit 1(c)) and his trial was heard in the Court of Queens Bench by a Judge alone, Justice Champagne.

On December 16, 2019, Dr. Ravesh was convicted on six counts of sexual assault. The matters underlying Dr. Ravesh’s convictions involved multiple incidents of non-consensual sexual touching, over the course of more than a year (from April 2016 to October 2017) during purported medical examinations. Based on Justice Champagne’s Decision, the matters underlying the convictions can be summarized as follows:

| Count Number | Page Nos. Justice Champagne’s Decision | Date | Summary |
|--------------|--|--------------------|--|
| 1 | 46 - 58 | September 14, 2017 | A sexual assault involving a 20-year-old female patient during purported breast examination. |
| 2 | 58–71 | September 22, 2017 | A sexual assault involving a 24-year-old female patient during purported vaginal examination. |
| 9 | 71-88 | April 2016 | A sexual assault involving a 36-year-old female patient during a physical examination, including inappropriate sexual touching of the vaginal area and breast. |
| 10 | 88-100 | October 2017 | A sexual assault involving a 27-year-old female patient under the guise of a digital rectal examination. |
| 4 | 100-114 | June 2017 | A sexual assault involving a 24-year-old female patient in June 2017 during purported breast examination. |
| 3 | 114-135 | October 19, 2017 | A sexual assault involving a 19-year-old female patient during a physical examination, which included inappropriate touching of the vaginal area and breast, and having the patient touch his penis. |

The findings and reasons underlying Dr. Ravesh's convictions are set out in Justice Champagne's decision.

REASONS FOR DECISION

The Convictions were entered on a Disposition Sheet (Exhibit 1 (c)) which was signed the same date as Justice Champagne's Decision. Dr. Ravesh does not dispute his convictions, nor that he was sentenced on September 18, 2020 to seven years incarceration. He states that pending his appeal to the Manitoba Court of Appeal⁵ he has again been granted judicial interim release by the Manitoba Court of Appeal and has certain bail conditions.

Section 178 of the RHPA states:

Proof of conviction

178 For the purpose of proceedings under this Act, a certified copy — under the seal of the court, or signed by the convicting judge or a clerk of The Provincial Court — of the conviction of a person for any offence under the Criminal Code (Canada) or any other Act or regulation is conclusive evidence that the person committed the offence, unless it is shown that the conviction has been quashed or set aside.

The Registrar filed the Disposition Sheet as Exhibit 1(c). During the hearing, the Registrar's counsel offered to secure a certified copy of the Disposition Sheet from the Court, should the Committee require it.

In proceedings under Section 48(3) of the RHPA, a regulatory body requires evidence of a "conviction affecting suitability to practice." Where a conviction is disputed, Section 178 creates an evidentiary stipulation as to a conviction. In this case, Dr. Ravesh did not dispute the information contained in the Disposition Sheet. This Committee finds that

⁵ It is noted that according to the Manitoba Court Registry website, the Crown has also initiated an appeal in connection with Dr. Ravesh's criminal proceedings, see:
<https://web43.gov.mb.ca/Registry/FileNumberSearch/SearchResults?FileNumber=AR20-30-09519>

the Convictions on the six counts of sexual assault are sufficiently proven so as to consider the exercise of its discretion under Section 48(3).

In the written submission, the Registrar argued that in proceedings related to “registration matters,” the onus is on the registrant to demonstrate standards required for registration. The Committee need not decide in this case whether Part 4 of the RHPA imposes such onus in matters other than under Section 48(4). In proceedings under Section 48(3), the Executive Committee, standing in for Council, is being asked to consider cancellation of an existing Certificate of Practice of a member, in this case, Dr. Ravesh. The Committee looked to the Registrar to satisfy any initial onus that this was a case for the Committee’s consideration under Section 48(3).

To cancel a Certificate of Registration of a member under Section 48(3) of the RHPA, the following elements must be satisfied:

1. The member must be notified and be given an opportunity to make representations;
2. The member must have been convicted of an offence relevant to the member’s suitability to practice; and
3. The Executive Committee must turn its attention to the matter, and exercise its discretion as to whether to cancel the member’s licence and registration.

(“the Section 48(3) test”)

Based on the previous discussion, there is no issue that the first and third elements of the Section 48(3) test have been satisfied in this case.

The remaining question is whether the Convictions in this case are relevant to Dr. Ravesh’s suitability to practice. The Committee’s decision is discretionary. In determining any matter before it under Section 48(3), as in any case where the ability to practice a profession is in question, we must be mindful of the potential impact of our decision on a member, while at the same time balancing CPSM’s public protection mandate.

The Registrar referred the Committee to the decision of the Council of CPSM, under predecessor legislation, *The Medical Act* (the “former Act”), in *Re Jovel*.

The provision of the former Act under consideration in *Re Jovel* was virtually identical to the current provision, Section 48(3), in the RHPA.

Under consideration by Council in *Re Jovel* were sexual assaults by a member that occurred during the course of a particular patient’s medical visits. For Council, it followed that this was “an offence that is relevant to his or her suitability to practise.” Council found that the elements of the provision in the former Act were satisfied and exercised its discretion to cancel the member’s licence and registration (registration terminology used in the former Act):

“... the issue of suitability to practice is integral to the College's regulatory mandate to protect the public and to maintain the public's confidence in the College's ability to regulate the medical profession. Where, as here, a sexual assault occurs in the course of a patient's medical visits, it necessarily follows that this is "an offence that is relevant to his or her suitability to practise.”⁶

While Council’s previous decision in *Re Jovel* was of interest to the Committee, our primary reference point was the nature of the conduct underlying the Convictions in this case and how this conduct (summarized earlier in these reasons) reflected on Dr. Ravesh’s suitability to practice. Dr. Ravesh has been convicted on six counts of sexual assault, arising from his care of six patients. Whether related to one patient or six, the Committee unhesitatingly finds that these convictions are relevant to suitability to practice.

In his submission, Dr. Ravesh made much of certain errors he perceived in his criminal proceedings, misgivings about approaches taken by his legal representation, and evidence given by the victims at his trial. He also relied on his interpretation of certain commentary by the Court of Appeal Justice presiding at his bail hearing. Dr. Ravesh spent much of his submission to the Committee asserting his views of the evidence that

⁶ June 22, 2018, <http://www.cpsm.mb.ca/assets/Discipline/2018-06-decision-jovel.pdf>

had been before Justice Champagne and the legal proceedings leading up the Convictions.

The Committee carefully considered Dr. Ravesh's submissions but find these submissions insufficient to reassure us of his suitability to practice.

The Committee also notes that a proceeding under Section 48(3) is not an opportunity for a member to relitigate the matter that had been before the convicting court. The Executive Committee is obliged to take a conviction at face value, directing its focus instead to the question of whether the conduct underlying the conviction is relevant to suitability. Further, as stated by Council in *Re Jovel*, should the criminal conviction underlying the Section 48(3) determination be overturned on appeal, a member may reapply for registration under Part 4 of the RHPA, as in the normal course.

In the result, the Committee has concluded that all of the elements of the Section 48(3) test have been satisfied.

CONCLUSION

In this case all of the procedural and legal requirements of the Section 48(3) test have been satisfied. The Committee notes that appropriate notices were given, submissions received and carefully considered, and the Member has been convicted of an offence that is relevant to his suitability to practise. This is an appropriate case for the exercise of discretion by the Executive Committee under Section 48(3).

DISPOSITION

The Executive Committee directs, per its resolution passed on January 13, 2021, that pursuant to Section 48(3) of *The Regulated Health Professions Act*, the Certificate of Registration of Dr. Amir Houshang Mazhari Ravesh, who has been convicted by the Court of Queen's Bench on December 16, 2019 of a criminal offence that is relevant to his suitability to practice, is hereby cancelled.

NOTE

The Regulated Health Professions Act states:

Appeal

49(2) A member whose registration or certificate of practice or both are cancelled under this section may appeal the cancellation to the court, in which case section 39 applies with the necessary changes.

DATED at Winnipeg, Manitoba, the __28th__ day of January, 2021



Dr. Ira Ripstein
Chair of the Executive Committee

Dr. Eric Sigurdson

Dr. Jacobi Elliott

Dr. Brian Postl

Mr. Allan Fineblit, Public Representative

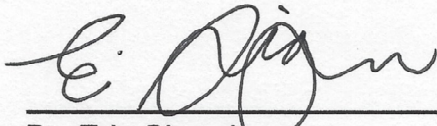
Ms. Marvelle McPherson, Public Representative

Appeal

49(2) A member whose registration or certificate of practice or both are cancelled under this section may appeal the cancellation to the court, in which case section 39 applies with the necessary changes.

DATED at Winnipeg, Manitoba, the ____ day of January, 2021

Dr. Ira Ripstein
Chair of the Executive Committee



Dr. Eric Sigurdson

Dr. Jacobi Elliott

Dr. Brian Postl

Mr. Allan Fineblit, Public Representative

Ms. Marvelle McPherson, Public Representative

Appeal

49(2) A member whose registration or certificate of practice or both are cancelled under this section may appeal the cancellation to the court, in which case section 39 applies with the necessary changes.

DATED at Winnipeg, Manitoba, the 31 day of January, 2021

Dr. Ira Ripstein
Chair of the Executive Committee

Dr. Eric Sigurdson



Dr. Jacobi Elliott

Dr. Brian Postl

Mr. Allan Fineblit, Public Representative

Ms. Marvelle McPherson, Public Representative

Appeal

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Chair of the Executive Committee

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Dr. Brian Postl

Mr. Allan Fineblit, Public Representative

Ms. Marvelle McPherson, Public Representative

Appeal

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Mr. Allan Fineblit, Public Representative

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