

## **SUMMARY OF DECISION**

### **Dr. John Wesley MacDonald Halifax, Nova Scotia**

A Settlement Agreement arising from a complaint against Dr. John Wesley MacDonald was recommended by Investigation Committee "B" of the College of Physicians and Surgeons of Nova Scotia for approval on February 23, 2000.

The Hearing Committee of the College reviewed the proposed Settlement Agreement on March 17, 2000, and accepted the recommendation from Investigation Committee "B".

A summary of the Settlement Agreement is outlined below:

#### **I. STATEMENT OF FACTS**

1. Dr. John Wesley MacDonald is a 49-year-old psychiatrist, who has conducted a practice in psychiatry in the Halifax Regional Municipality since 1979.
2. In or about mid-1995, a female patient (Patient X) was referred to Dr. MacDonald for individual therapy.
3. Over the course of the next year, Dr. MacDonald served as a psychiatrist for Patient X.
4. Commencing in August 1996, Dr. MacDonald engaged in sexual activity with Patient X, which progressed to sexual intercourse.
5. In or about November 1996, Dr. MacDonald initiated a transfer of care of Patient X to a colleague. The personal and sexual relationship between Dr. MacDonald and Patient X continued into 1997, when Patient X attempted to extricate herself from the relationship. These attempts were met with resistance by Dr. MacDonald.
6. The relationship between Dr. MacDonald and Patient X terminated in December of 1997.

7. Patient X later filed a complaint with the College of Physicians and Surgeons of Nova Scotia. Following receipt of the complaint, Dr. MacDonald advised the College that he was not accepting new patients, and Dr. MacDonald approached the College in December of 1999 to indicate he wished to resign from the practice of medicine.

## II. ALLEGATIONS AGAINST DR. MACDONALD

8. In a Notice Of Hearing issued by the College of Physicians and Surgeons of Nova Scotia, Dr. John Wesley MacDonald was charged with the following:

That being registered under the Medical Act, S.N.S. 1995-96, c. 10 and being a medical practitioner in the Province of Nova Scotia, it is alleged that during and after the provision of psychiatric medical services to a patient in the time period between June 1996 and December 1997, Dr. MacDonald engaged in a sexual relationship with this patient, including sexual intercourse.

And that in relation to the above, Dr. MacDonald is alleged to be guilty of professional misconduct.

## III. ADMISSION

9. Dr. John Wesley MacDonald admits the allegation outlined in the Notice of Hearing and admits that he is guilty of professional misconduct.

## IV. CONSENT TO PENALTY

10. Dr. John Wesley MacDonald consented to the following:

(a) Dr. MacDonald undertakes not to accept any additional patients, and agrees that the College of Physicians and Surgeons of Nova Scotia may have access to MSI records to confirm that this undertaking is being followed;

(b) Dr. MacDonald shall transfer the care of his existing patients to other psychiatrists or physicians, and shall complete the transfer of all female patients on or before April 30, 2000, and the transfer of all male patients by June 30, 2000;

(c) Effective June 30, 2000, in view of Dr. MacDonald's proposal to resign from the practice of medicine, Dr. MacDonald's license to practice medicine issued by the College of Physicians and Surgeons of Nova Scotia shall be revoked and Dr. MacDonald's name shall be stricken from the registers in which it is entered; and

(d) In the event that Dr. MacDonald wishes to apply for reinstatement of his license to practice in accordance with the provisions of the Medical Act, the content of the College's file concerning the investigation and resolution of the complaint of Patient X shall be available for review by counsel.

#### V. COSTS

11. Dr. MacDonald agrees to pay costs in the amount of \$2,500, inclusive of disbursements and HST as a contribution toward the College's cost for the conclusion of this matter.