Dr. Anthony DeLuco leaves a College of Physicians and Surgeons hearing in 2009.

TORONTO - A Sault Ste. Marie, Ont., doctor who lost his licence for having a menage a trois and sexually abusing another patient abandoned his bid to get his licence back, QMI Agency has learned.

Dr. Tony DeLuco had his licence revoked in 2005 for participating in a threesome with a patient and her gal pal and for sexual misconduct with another patient.

One patient described sex sessions at her home, in his exam room and a menage a trois in her friend’s bedroom.

She testified the threesome occurred in the early spring of 2001 at the home of a female friend, who complained of lower abdominal pain.

"She acknowledged that this was a ruse . . . she knew that (the woman) was interested in Dr. DeLuco and she hoped they would have sex," the committee wrote in its decision.

DeLuco, now 64, admitted watching the two women engage in sexual acts.

DeLuco’s guilt was also proven by recordings of six suggestive phone messages he left on the patient’s answering machine.

He was seeking to have his licence reinstated after it was revoked. But he dropped the bid in April 2012, promising not to seek his licence in Ontario "or any other jurisdiction” after another patient made a complaint about alleged misconduct.

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Six years after licence revocation, physician Tony DeLuco still waiting

Posted 5 months ago

Longtime Sault physician Tony Deluco, applied in late 2010, to the College of Physicians and Surgeons of Ontario for reinstatement of his licence, according to Kathryn Clarke, the media relations contact for the College. "He has applied to the College for reinstatement, and his application has been referred in November of last year to a discipline committee. They have to determine whether or not a physician ought to be reinstated when they apply," Clarke explained in a telephone interview.

In August 2005, the College revoked Deluco's licence after hearings that determined he had sexually abused patients. The hearings, which took place in March and May 2005, heard testimony from four women who claimed Deluco had sexually abused them. According to the report of the discipline committee that conducted the hearings, the testimony of two of the women was dismissed. The report notes that, "The Committee found that Patient D's testimony was self-serving and motivated by her unhappiness concerning the outcome of her WSIB claims, and the possibility that a finding here would aid her future case to get the decisions reversed," while "Patient E's testimony was poorly remembered, and we believe coloured by her unfortunate history of sexual abuse and her subsequent distrust of men. Therefore, the Committee does not find the allegation of professional misconduct for sexual abuse and disgraceful, dishonourable or unprofessional conduct to be proved in relation to patient E."

The Committee did, however, find another patient's "allegations of sexual abuse including intercourse, sexual touching, and verbal sexual abuse to be proved," as well as the fourth patient's "allegation of professional misconduct for sexual abuse consisting of an unwanted hug and kiss, and the touching of her buttocks."

Deluco did not respond to inquiries for this report. Clarke confirmed that no date has yet been set for the discipline committee hearing.

Clarke explained by email that

* "When the discipline committee determines that a physician has sexually abused a patient, and the misconduct included one of the sexual acts specified in the legislation, the discipline committee must revoke the physician's licence and order a public reprimand (in addition to any other penalty the committee determines is appropriate in the circumstances).

* "The Health Professions Procedural Code sets out the regulatory framework for applications for reinstatement. In a case where a physician has had his licence revoked for sexually abusing a patient, five years must elapse before the physician can apply to the College for reinstatement. The application must be in writing and the applicant must provide the reasons why the licence should be issued. If these requirements are met, the Registrar is obliged to refer the application to the discipline committee (the committee of the College which is responsible for deciding applications for reinstatement). The Registrar referred this case to the discipline committee on Nov. 28, 2010.

It is not unusual for it to take a year or more for the matter to be investigated and scheduled for a reinstatement hearing.

* "Ultimately, in a case where revocation was previously ordered, the discipline committee may make an order:

* directing the Registrar to issue a certificate of registration (licence) to the applicant;

* directing the Registrar to impose specified terms, conditions and limitations on the applicant's certificate of registration (licence);

* dismissing the application.

* "The legislation itself does not set out a standard or test, or a list of considerations, to apply on an application for reinstatement. Case law, however, does provide some guidance in this regard. Among the possible considerations potentially relevant on an application for reinstatement are:

1. the physician's past misconduct that led to revocation, and other relevant past conduct relevant to the his or her suitability to return to practice;

2. change in the physician's circumstances since the time of revocation;

3. the success of rehabilitation, including the degree of insight into the past misconduct;

4. restitution or lack of it made to those harmed, where possible;

5. the physician's current mental health, and future prognosis;

6. the physician's current competency, skill and fitness to practice;

7. impact of the physician's readmission on the reputation of the profession;

8. the physician's present character, and its potential impact on the risk of future misconduct; and

9. the public interest, including the protection of the public.

* "The discipline committee must have regard to all of the particular circumstances of the case in considering what weight, if any, to give to each of these potential considerations on the facts before it. Not all of the above considerations are necessarily relevant in all cases. A primary focus of the panel is to protect the public, including patients, with regard to the risk of re-off ending.

* "The burden of proof rests with the applicant (physician) and he or she must persuade the Committee that the certificate of registration (licence) should be reinstated."
Suspended MD faces threatening charge

Updated 16 days ago

A suspended family doctor, now accused of threatening a security guard over a parking ticket, won't comment on whether he will seek reinstatement this year.

Anthony DeLuco, a Sault Ste. Marie family physician, and former chair of the general and family practice section of the Ontario Medical Association, had his medical licence revoked in 2005 after he was found guilty of sexual abuse involving a patient.

Doctors found guilty of sexual abuse are subject to mandatory revocation of their licences and cannot reapply for reinstatement for at least five years.

While DeLuco's ban, imposed in September, 2005, would expire later this year, his reinstatement to the College of Physicians and Surgeons of Ontario is far from a sure thing.

The onus is on the doctor in question to establish for the college that he has changed his ways, said Kathryn Clarke, senior communications co-ordinator for the college.

"Not everyone applies for reinstatement, but if he does, what would happen is a discipline committee would be convened to hear his application for reinstatement," said Clarke. "It's not an automatic granting of a licence when someone has been revoked."

"Anything that has happened, both positive and negative in the intervening years could have an impact on whether or not the physician is reinstated," said added.

City police reported the threatening charges Friday, saying a man called a local security company on March 31 and threatened a security officer who issued him a ticket at the Queen Street Centre parking lot. DeLuco, 62, is charged with threatening death or bodily harm and has a May 17 court date.

Reached by phone Monday, DeLuco said it is "not appropriate," to discuss whether or not he will seek reinstatement, or to discuss the current criminal matter.

"I'm not really interested in talking to anybody, not even my wife," DeLuco said.

The disciplinary panel of the College of Physicians and Surgeons of Ontario found DeLuco had sexual intercourse with one of his patients and hugged, kissed and touched another patient's buttocks.

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By Matthew Sylvain

TORONTO | The former head of the Ontario Medical Association (OMA) section of general and family practice, Dr. Anthony DeLuco, has been found to have committed professional misconduct by sexually abusing two longtime patients.

In a decision handed down by its discipline committee on Aug. 2, the College of Physicians and Surgeons of Ontario (CPSO) said it believed the testimony of two of four female complainants. The incidents had occurred in various locations, including his Sault Ste. Marie office, beginning in the late 1990s.

A publication ban prevents identifying any of the women.

A hearing will be held Sept. 7 to determine the penalty, Jill Hefley, a CPSO spokeswoman, said in an e-mail. She noted that under Ontario medical legislation the mandatory penalty for sexual abuse is revocation of the practitioners' licence and reprimand.

Last spring, Dr. DeLuco had been suspended by the college for breaching a restriction placed on his certificate of registration in connection to his then pending case.
Dr. Anthony Deluco’s own words, recorded on phone messages to female patients, played a major role in convincing the Ontario College of Physicians and Surgeons that the Sault doctor was guilty of professional misconduct.

As SooToday.com reported earlier today, a report released this afternoon by the College’s Disciplinary Committee rejected misconduct complaints from two of Deluco’s patients, but upheld complaints from two other women who maintained that he’d sexually abused them.

Phone messages left by Deluco were specifically cited by the committee as helping it reject the physician’s explanation for why he remained in what he called a woman’s “bed-sitting room” (most SooToday.com readers would call it her bedroom) while she engaged in sex acts with one of his female patients.

Cell phone messages left by Deluco were specifically cited by the disciplinary committee as helping it reject the physician’s explanation for why he remained in what he called a woman’s “bed-sitting room” (most SooToday.com readers would call it her bedroom) while she engaged in sex acts with one of his female patients.

"The Committee was convinced by the content and the tonality of the recorded messages that Dr. Deluco was attempting to continue a behaviour that had occurred before, and that he did indeed wish to bring patient B to his office for sex and that, at another time, he called to get both women to the hotel that he was calling from," said today’s written decision.

The patient testified to the committee that Deluco had told her to call him if she was ever horny and she had had sex with the doctor at both her home and his office.

During one liaison at her residence that included 45 to 60 minutes of sexual intercourse, she said Deluco presented her with Victoria’s Secret lingerie (two underwire bras and two panties) as well as some chocolates.

Dr. Deluco denied both of these sexual encounters and argued that he couldn’t have given the mother of four anything from Victoria’s Secret because there’s no Victoria’s Secret store in Canada.

Message transcripts

Message #1 (undated): “[Patient B] it’s too bad you didn’t answer the phone cause I’d be there right now silly girl I guess I’ll talk to you tomorrow. Goodbye”

Message #2: “Ah like [patient B] call me right now. I’m sitting here waiting for the two of you. See you soon. Bye.”

Message #3: “Oh, Hi [patient B] just got in. You want company or not give me a call within the next ten minutes maybe fifteen cause I’m just leaving the airport. I’ll be passing by your house at that time. If you would like to see me like I would like to see you it would be nice to hear from you. Maybe I’ll talk to you later and then again maybe I won’t. Bye bye.”

Message #4: “Well good morning sleeping beauty. Thought I’d give you a call and try to get in touch with you. Missed you last night seem to be missing you all the time. Anyway, I just want you to know I was thinking about you and hope you have a good day. I’m going to [town] today. Ah maybe you can give me a call later this evening on my cell as it is going to be free or maybe you can call me tomorrow morning at the office who knows. What ever suits you. Love to talk to you. Have a good day. Bye.”

Message #5: “[patient B] it’s Tony just back from a [town]. If you would like give me a call sometime around 7:30 and I’ll come and pick you up. I’ll take you for coffee and then I’d just love to take you over to the office for some private time with you and do whatever comes to mind and make you feel wonderful and talk to you and find out what the hell has been going on. At any rate, I hope you find that a somewhat intriguing suggestion. If you don’t, give me a call tomorrow anyway. Talk to you then. Bye.”

Message #6: “[Patient B] it’s Tony just back from being away for a week ah give me a call today, this morning, as soon as possible on my cell phone I need to talk to you. I’ve got to make reservations for Toronto and I need to know whether you are coming, [Ms. C] is coming, the both of you are coming or none at all. So please give me a call asap. Thanks bye.”

Findings of the disciplinary committee

In today’s decision, the disciplinary committee referred to Deluco’s testimony as “incredible” and “unbelievable.”

“To wish to help a patient get to a consultation is admirable, but the normal course of events for any physician would be that this would be handled by a secretary, or at the least with one phone call from the office,” the disciplinary committee said.

“To be importing her, to call her intimate names, to invite her to his office ‘for some private time’ and ‘to do whatever comes to mind and to make you feel wonderful,’ to ask if either or both women were coming as he had to make reservations, and then to testify as he did as to the rationale and meaning of the calls, added to Dr. Deluco’s lack of credibility.”

“We also concluded that he was attempting to set up a trip to Toronto, with patient B and/or Ms. C, for non-medical purposes. We do not accept that he was attempting to be helpful in giving her or both of them a lift to Sudbury for her neurological consultation. There is no mention of Sudbury noted in any of the calls.”

The disciplinary committee said today that it didn’t believe Deluco’s testimony.

“In his description of the bedroom as a bed-sitting room appeared to be intended to influence the Committee to conclude this was an innocuous and commonplace event.”

“A penalty hearing for Dr. Deluco has been set for September 7.”

Dr. Deluco denied both of these sexual encounters and argued that he couldn’t have given the mother of four anything from Victoria’s Secret because there’s no Victoria’s Secret store in Canada.

Message #7: “Well good morning sleeping beauty. Thought I’d give you a call and try to get in touch with you. Missed you last night seem to be missing you all the time. Anyway, I just want you to know I was thinking about you and hope you have a good day. I’m going to [town] today. Ah maybe you can give me a call later this evening on my cell as it is going to be free or maybe you can call me tomorrow morning at the office who knows. What ever suits you. Love to talk to you. Have a good day. Bye.”

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Click here to read every word of today’s decision

SooToday.com cautions that this lengthy document contains explicit sexual material that may offend some readers.

http://www.sootoday.com/content/news/print_story.asp?StoryNumber=12759