

SUMMARY

Dr. Sudhir Jude Anthony D'Souza (CPSO# 68256)

1. Disposition

On May 4, 2016, the Inquiries, Complaints and Reports Committee (“the Committee”) required nephrologist and paediatrician Dr. D’Souza to appear before a panel of the Committee to be cautioned with respect to his professional conduct.

2. Introduction

Dr. D’Souza recently left a paediatric clinic where he had worked for some years. A colleague at the clinic complained to the College that Dr. D’Souza had acted unprofessionally by accessing the clinic’s electronic medical record (EMR) without authorization and by behaving rudely to clinic staff, including a resident physician.

Dr. D’Souza stated that aspects of the business dispute in this case remain under review. He acknowledged that he “interacted” with a resident, but asserted that the matter had been resolved.

The resident described the incident to the College, noting that Dr. D’Souza was furiously angry, and came very close to her and yelled in her face. She added that Dr. D’Souza had later apologized to her.

3. Committee Process

A panel of the Committee, consisting of public and physician members, met to review the relevant records and documents related to the complaint. The Committee always has before it applicable legislation and regulations, along with policies that the College has developed, which reflect the College’s professional expectations for physicians practising in Ontario. Current versions of these documents are available on the College’s website at www.cpso.on.ca, under the heading “Policies & Publications.” In the present case, the Committee referred to Policy Statement #4-07, *Physician Behaviour in the Professional Environment*, citing its definition of “disruptive behaviour.”

4. Committee's Analysis

The Committee could not fully determine all the issues raised in the business dispute. Clearly, however, Dr. D'Souza's departure from the clinic was less than smooth. There appeared to have been a lack of collegial interaction, which can compromise patient care. The Committee was concerned that patient confidentiality may have been breached, although it could not be certain exactly what happened with respect to the EMR. Dr. D'Souza acknowledged that some of the EMR was missing.

The Committee was satisfied that the information before it showed that Dr. D'Souza had communicated extremely unprofessionally with the resident, in an interaction which amounted to bullying.

The Committee noted Dr. D'Souza's College history, which includes a number of patient complaints since 2013, leading to Committee dispositions such as advice and caution, and the imposition of a specified continuing education or remediation programme (SCERP) requiring Dr. D'Souza to participate in communications coaching.

The history, and the concerns in the present case, raised concerns about Dr. D'Souza's disruptive behaviour, who continues to act inappropriately despite several interventions by the College.