

SUMMARY

DR. LUAY HUSSEIN ALI AL-KAZELY (CPSO# 87421)

1. Disposition

On December 14, 2017, the Inquiries, Complaints and Reports Committee (the Committee) ordered Family Medicine specialist Dr. Ali Al-Kazely to complete a specified continuing education and remediation program ("SCERP"). The SCERP requires Dr. Ali Al-Kazely to:

- Complete the University of Toronto Medical Record-Keeping Course and the Canadian Medical Protective Association (CMPA) e-learning programs *Documentation: Charting Medical Records* and *Documentation II: Principles of Medical Record Keeping*.
- Review the literature related to record-keeping practices with respect to requirements both to keep records, and the comprehensiveness of those records, and reflect on his previous record-keeping practices, the steps he has taken to improve his record-keeping, and the further steps he needs to take to ensure his medical records are comprehensive and complete.
- Provide a written report on the literature and his reflection, detailing the current standards of medical record keeping, how it is applicable to his situation, and how he has made (or plans to make) changes to his practice.
- Undergo a reassessment in regards to the completeness of his medical records, analysis and treatment plans, follow-up, and documentation of discussions regarding treatment plans with his patients.

2. Introduction

The College received a complaint raising concerns about Dr. Ali Al-Kazely's care and communications. The patient complained that Dr. Ali Al-Kazely did not have spirometry or a peak flow meter in his office, did not refer him to another respirologist when his former respirologist retired, and did not adjust the dates off work in a medical note related to a chest infection. Further, the patient felt that Dr. Ali Al-Kazely behaved in an unprofessional manner,

and did not make an appropriate referral to a psychiatrist when he asked for one because of anxiety.

Dr. Ali Al-Kazely responded that spirometry and peak flow meters, which are used to measure and create a plan to control asthma, are not present in his office, that he was unaware of the patient's respirologist's retirement, and that once he became aware that the respirologist had retired, he made a referral to another one. He stated that in his medical opinion, the patient did not need more time off work. As such, he did not adjust the dates on the note. In regards to the patient's request for a referral to a psychiatrist and behaving unprofessionally, he provided reasons why he recommended counselling as opposed to a psychiatric referral, and denied behaving unprofessionally.

3. Committee Process

A Family 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."

4. Committee's Analysis

The Committee found that it was reasonable for Dr. Ali Al-Kazely to not have spirometry or a peak flow meter in his office. Further, the Committee determined that Dr. Ali Al-Kazely referred the patient to a respirologist, and prescribed appropriately for his conditions. As a result, the Committee concluded that Dr. Ali Al-Kazely's care was reasonable.

The Committee also felt it was reasonable for Dr. Ali Al-Kazely to not extend the time the patient was off work. The Committee stated that physicians may use their judgement when

assessing whether a patient needs time off work, and in this case, Dr. Ali Al-Kazely's opinion was that the patient did not.

Dr. Ali Al-Kazely and the patient recall their communications differently, with the patient feeling that Dr. Ali Al-Kazely was not sensitive or respectful. The Committee did not make a determination as to the nature of the conversation, but stated its expectation that physicians communicate with patients in a sensitive and respectful manner at all times. Further, taking note of the current complaint, another complaint that included concerns about Dr. Al Kazely's communications considered concurrently, as well as previous complaints regarding Dr. Al-Kazely's communications, the Committee recommended that Dr. Ali Al-Kazely consider taking the Crucial Conversations course offered by the Ontario Medical Association.

The Committee was more concerned about the quality and completeness of Dr. Ali Al-Kazely's medical records. In this patient's case, the medical record contains little detail, particularly regarding the patient's anxiety and request for referral to a psychiatrist. It also does not document a chest examination, or Dr. Ali Al-Kazely's rationale for not extending the patient's leave from work, with regards to the chest infection.

Dr. Ali Al-Kazely's medical records do not exhibit the quality or completeness expected of a physician's medical records. The Committee noted with concern that they previously advised Dr. Ali Al-Kazely on this very issue. As a result, the Committee was of the opinion that Dr. Ali Al-Kazely would benefit from the further remediation outlined above.