

## SUMMARY

### DR. MARIA JOANA GONCALVES (CPSO# 65019)

#### 1. Disposition

On October 12, 2016, the Inquiries, Complaints and Reports Committee (“the Committee”) required general practitioner Dr. Goncalves to appear before a panel of the Committee to be cautioned with respect to test results management.

#### 2. Introduction

Patient A complained to the College that in the 10 years that Dr. Goncalves provided care to her, Dr. Goncalves failed to communicate in a respectful manner and did not ensure that staff responded appropriately to telephone calls. Patient A also raised concerns that Dr. Goncalves did not ensure the confidentiality of patient health information, provide test results in a timely manner, or provide her with a referral letter as requested. Lastly, Patient A told the College that Dr. Goncalves terminated her from her practice by telephone without having first explained that she needed to attend the clinic more than twice a year to avoid termination.

Dr. Goncalves responded that she communicated with Patient A, as with all her patients, in a respectful manner. Patient A received her test results from another medical consultant as she did not book a follow-up appointment as instructed. It is her usual practice to call patients with abnormal test results in a timely manner. She does not understand why Patient A would say she was required to attend twice a year to remain as a patient. When she last spoke with her, Patient A said she had another physician and she (Dr. Goncalves) said that Patient A was welcome to go wherever she wanted. When she terminates a patient, she sends a registered letter, provides a month’s notice, and agrees to see the patient for emergencies. She has never had other patients complain about confidentiality concerns, nor did Patient A mention this to her receptionist.

#### 3. Committee Process

A General 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.cpsso.on.ca](http://www.cpsso.on.ca), under the heading "Policies & Publications."

#### 4. Committee's Analysis

##### *Professional behaviour*

The tone of Dr. Goncalves' letter to the College implies a degree of disrespect for Patient A's concerns. The Committee comments that communications with patients should always reflect civility and professionalism.

##### *Confidentiality of patient health information*

Based on our review of the record, we are unable to determine whether Dr. Goncalves breached Patient A's confidentiality in this matter. That said, safeguarding patients' personal health information is a key obligation for physicians.

##### *Terminating physician-patient relationship*

Under the circumstances, when Dr. Goncalves sensed Patient A's dissatisfaction with the treating relationship, it was reasonable for her to advise Patient A that she was free to go elsewhere. In the Committee's view, this type of remark does not imply that Dr. Goncalves was terminating Patient A as a patient.

##### *Office management*

We are unable to determine what happened regarding any telephone calls that Patient A placed to Dr. Goncalves' office. However, we comment that office management, including answering and returning patient telephone calls, is an important aspect of any clinical practice.

##### *Test results management*

We are not satisfied that a patient's failure to make an appointment is an adequate explanation for failing to disclose an abnormal test result. Given that the results were abnormal and disclosed the presence of diabetes, Dr. Goncalves should have taken steps to contact Patient A herself to

convey the abnormal results. Further, Dr. Goncalves has had previous complaints to the College, including a written caution about untimely reporting of test results. Based on the present complaint and Dr. Goncalves' history, the Committee has decided it is appropriate to caution Dr. Goncalves in person with respect to test results management.