

## **SUMMARY**

### **DR. AGNES KUCHARSKA (CPSO# 73761)**

#### **1. Disposition**

On March 23, 2017, the Inquiries, Complaints and Reports Committee (“the Committee”) required family physician Dr. Kucharska to appear before a panel of the Committee to be cautioned with respect to narcotics prescribing, communications, charting, and management of an adolescent with mental health issues.

The Committee also ordered Dr. Kucharska to complete a specified continuing education and remediation program (“SCERP”). The SCERP requires Dr. Kucharska to:

- Practice under the guidance of a Clinical Supervisor acceptable to the College for a period of six (6) months to address identified educational needs including: safe and effective use of opioids for non-malignant pain; incorporation of opioid contracts with urine drug screening; assessment and monitoring of other medications a patient may be taking; management of adolescents with mental health disorders; importance of detailed notes of counselling and psychotherapy and appropriate use of computer-generated templates; utilisation of psychiatric specialists for management of patients with complex psychopathology; communication with concerned family members of adolescents with mental health and behavioural issues; and effective communication and follow-up of test outcomes and consultants’ opinions
- Attend and successfully complete the next available sessions of:
  1. the Medical Record Keeping Course, through the University of Toronto
  2. the Safe Opioid Prescribing Course, through the University of Toronto
- Engage in self-directed learning (to include review and written summaries of several clinical practice guidelines in prescribing narcotics, atypical antipsychotics, and selective

serotonin reuptake inhibitors and the College policies on: *Medical Records, Prescribing Drugs, and Test Results Management*)

- Undergo a reassessment of her practice by an assessor selected by the College approximately six (6) months after completion of the educational program.

## 2. Introduction

A family member of a patient complained to the College that Dr. Kucharska over-prescribed medication to the patient, despite the patient's history of mental illness and drug abuse, and failed to change her prescribing to the patient despite the concerns of the patient's family members.

Dr. Kucharska responded that she was working under the assumption that the patient was over the age of 18 and competent, and she stated she was not aware that the family of such a patient was allowed to make medical decisions for such an individual. She agrees that she did not change her prescribing as a result of contact by the patient's family. She does recall an appointment with the patient and the family so that the family members could voice their concerns openly.

## 3. Committee Process

As part of this investigation, the Committee retained an Independent Opinion provider ("IO provider") who specializes in family medicine. The IO provider reviewed the entire written investigative record and submitted a written report to the Committee.

A Family Practice 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](http://www.cpso.on.ca), under the heading "Policies & Publications."

#### 4. Committee's Analysis

The Committee shared the IO provider's opinion that Dr. Kucharska did not meet the standard of practice in her care of the patient with respect to her documentation of narcotics prescribing and continued prescribing of narcotics and benzodiazepines despite evidence of the patient's aberrant, drug-related behaviour, and concerns documented by the patient's neurologist and psychiatrist, and voiced by the patient's parents. The Committee also agreed with the IO provider that Dr. Kucharska lacked judgement in several aspects of her prescribing, that she did not seem to have taken seriously concerns expressed by the patient's specialists and family, and that she did not respond in a reasonable way to the patient's repeated ER visits for suicidal ideation and drug reactions.

The Committee was concerned that Dr. Kucharska's initial response to the College lacked insight and was brief and unhelpful. The Committee remarked that while Dr. Kucharska subsequently acknowledged the value of following the *Canadian Guideline for Safe and Effective Use of Opioids for Chronic Non-Cancer Pain*, her charting of the patient's medications was difficult to follow. The Committee was further concerned that Dr. Kucharska did not appear to recognize any other problems with her care.

The Committee noted that Dr. Kucharska reported taking steps to improve her electronic medical record and enrolling in courses in medical record-keeping and safe-opioid prescribing. While the Committee felt these pro-active measures were positive, it nonetheless wanted to express its concerns with Dr. Kucharska in person and also ensure completion of further education through the SCERP process, with reassessment to determine the success of the education program.