

SUMMARY

Dr. Nemat Alla Daraei (CPSO# 97189)

1. Disposition

On February 18, 2016, the Inquiries, Complaints and Reports Committee (“the Committee”) ordered Dr. Daraei, a family physician, to complete a specified continuing education and remediation program (“SCERP”). The SCERP requires Dr. Daraei to:

- Attend the next available session of the Canadian Medical Protective Association’s Module 2 “Teams” and submit a written summary of the module and how what he has learned will affect his future practice
- Review and summarize the following documents as issued by the College:
 - *The Practice Guide: Medical Professionalism and College Policies*
 - *Policy on Ending the Physician-Patient Relationship*
 - *Policy Statement on Collaboration with Midwives*
 - *Article in Dialogue on Inter-professional Care* (2014, issue 3)

2. Introduction

A family member of a patient complained to the College about Dr. Daraei’s professional conduct; specifically that Dr. Daraei failed to follow the College’s policy on *Ending the Physician-Patient Relationship* when he terminated the patient from his medical practice.

Dr. Daraei informed the College that the patient came to his office in 2015 seeking prenatal care. He then received a letter from a midwife stating that the patient wished to transfer care to her. While he respected the patient’s decision to choose alternate care, he felt uncomfortable continuing as her family physician as he felt that there had been a breakdown of trust between them, and he had his secretary call her in order to end the physician-patient relationship.

He agreed he could have handled this situation better and regrets the impulsivity of his decision. He admits he should have taken the time to call the patient himself to understand her reasons for

wanting to be followed by a midwife, and if the patient no longer wanted him to continue as her physician he should have ended the relationship according to the College policy on termination. After he became aware of the current complaint he apologized to the patient for having his secretary call her and complied with the College's policy by sending a termination letter. He also would have met with the patient; however, he saw no reason to following the complaint.

3. Committee Process

A Family Practice Panel of the Committee, consisting of public and physician members, met in order to review the relevant records and documents related to the complaint, as well as the College's policies and relevant legislation.

4. Committee's Analysis

In the Committee's view, the fact that the patient requested to be followed by a midwife during her pregnancy was not a bona fide reason for terminating the physician-patient relationship. Obstetrics and gynecology is a practice in which collaborative care is essential, and the College of Physicians and Surgeons and the College of Midwives of Ontario are committed to inter-professional collaboration to meet the maternity needs of Ontario women and their families.

Even if Dr. Daraei had a bona fide reason to end the relationship, in having his secretary call the patient, Dr. Daraei did not comply with the College's policy on *Ending the Physician-Patient Relationship*, which indicates that when, ending the physician-patient relationship, physicians must notify patients in writing of this decision, by a letter that is to be sent by registered mail. Moreover, Dr. Daraei also did not comply with the College's *Practice Guide* which indicates that a patient's trust in a physician's care is maintained, in part, through effective communication. Dr. Daraei showed poor communication by making no effort to talk to the patient directly.

While the Committee appreciated that, in the end, Dr. Daraei did notify the patient of his decision to end the relationship in writing, and indicated that he would provide transitional care, he did this only after he discovered that the patient's family member had complained, and therefore this did not mitigate the Committee's concerns regarding Dr. Daraei's initial conduct, including the fact that he saw no reason to meet with the patient after receiving the complaint.

The Committee also noted that this was now the second time that it has had to instruct Dr. Daraei to fully comply with the College's policy on *Ending the Physician-Patient Relationship*. Notably, in 2013, the Committee advised Dr. Daraei that if he cannot establish a therapeutic relationship with a patient he must inform the patient in writing and provide transitional care. In light of this history, the Committee felt education was necessary to address its concerns.