

**SUMMARY of the Decision of the Inquiries, Complaints and Reports Committee
(the Committee)**
(Information is available about the complaints process [here](#) and about the Committee [here](#))

**Dr. Paul Maxwell Irwin (CPSO# 57194)
(the Respondent)**

INTRODUCTION

The Respondent is a general surgeon. As of May 30, 2018, by order of the Discipline Committee of the College, his certificate of registration is restricted to providing small surgical procedures requiring local anesthesia and surgical consultations.

In December 2019, the Respondent, who was not the physician for the unnamed patient in this matter (the Patient), wrote a medical note for the Patient suggesting 12 weeks off work, when the Patient was in attendance for an appointment that their family member had with the Respondent.

The Complainant (who works with the Patient) contacted the College of Physicians and Surgeons of Ontario (the College) to express concerns about the Respondent's conduct.

COMPLAINANT'S CONCERNS

The Complainant is concerned that the Respondent wrote a medical note for the Patient while under restricted practice; the Complainant is also concerned that the note is fraudulent.

COMMITTEE'S DECISION

A General Panel of the Committee considered this matter at its meeting of July 8, 2020. The Committee required the Respondent to attend at the College to be cautioned in person with respect to writing a medical note for a non-patient, including not documenting or billing for the encounter and writing his home address on the note, and that this action is not within the scope of his current restricted practice. The Committee also asked the Respondent to review the College policies, *Medical Records Documentation* and *Third Party Reports*, for discussion at his caution.

COMMITTEE'S ANALYSIS

The Respondent explained that he wrote the note in question as he understood the Patient's illness through their family member (his patient) and based on discussions with the Patient when they accompanied their family member to appointments. The Respondent confirmed that he did not create a chart for the Patient and did not bill the

Ontario Health Insurance Plan (OHIP) for any services, nor did he bill the Patient or their family member.

When the College asked the Respondent whether he was in breach of his practice restriction in writing the note, he said that if he was, it was unknowingly, and it was never his intention to breach his restrictions. The Respondent explained that he included his personal contact information on the note as it expedites receipt of mail as he is only working in the clinic where he wrote the note once a week.

The College policy on medical record-keeping, both in its current form and in the version in place at the time in question, sets out all the components that physicians must include in their patients' charts. The policy, *Third Party Reports*, sets out that when physicians write such reports (including letters to insurers or employers, as in this case), they "must act with the same high level of integrity and professionalism when preparing a third party report, or conducting an examination for a third party report, as they would when delivering health care."

While the Respondent's act of including his personal contact information on the note was on its own a small transgression, and while there was nothing before the Committee to indicate the note was 'fraudulent', the Committee was very concerned that the Respondent did not demonstrate insight that it is not appropriate to write a note for a non-patient, with no charting and no billing, recommending a significant amount of time off work, all while practising under a license that is restricted to the very limited role of providing small surgical procedures requiring local anesthesia and surgical consultations. On this basis, the Committee decided to caution the Respondent as set out above.