

SUMMARY

DR. MARK LEE MILLER (CPSO# 58079)

1. Disposition

On June 7, 2017, the Inquiries, Complaints and Reports Committee (“the Committee”) ordered general practitioner Dr. Miller to complete a specified continuing education and remediation program (“SCERP”). The SCERP requires Dr. Miller to:

- Attend and successfully complete a course on *Understanding Boundaries and Managing Risks Inherent in the Patient-Physician Relationship*; and,
- Engage in self-directed learning on the topic of maintaining appropriate boundaries.

2. Introduction

The College received a complaint from an individual (“the complainant”) who was Dr. Miller’s former employee. The complainant raised a number of concerns, including Dr. Miller’s conduct with employees, his office management, that office staff accessed her personal healthcare information, questions about the propriety of the physician serving as Dr. Miller’s clinical supervisor (an arrangement through an undertaking arising from a previous College matter), that Dr. Miller charges patients for prescription requests, and Dr. Miller’s conduct with and care of patients.

Dr. Miller provided details related to his conduct and relationship with his employees, including acknowledging that he developed close personal relationships with employees and has vacationed with some employees. He refuted the complainant’s assertions around his office management, his behaviour with staff, and his behaviour with and care for patients. He denied that staff accessed the complainant’s health information (noting his medical records system would flag any inappropriate access), and staff involved confirmed they did not request or access the information. Dr. Miller explained the professional relationship with his clinical supervisor. He said that his office sometimes charges patients \$10 for telephone prescription renewals.

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.cpso.on.ca, under the heading "Policies & Publications."

4. Committee's Analysis

The Committee decided to take no further action on the majority of the complainant's concerns, based on the information in the record, including Dr. Miller's response and information from five other individuals, including members of Dr. Miller's office staff, who refuted various aspects of the complainant's assertions. However, the Committee did have some concerns related to Dr. Miller's sense of boundaries in some of his conduct with respect to his employees, in particular that he may not be fully sensitive to the broad spectrum of behaviour that could be seen as inappropriate in the context of physician professionalism in the office setting (where patients are also potentially impacted). The Committee expressed its concern that Dr. Miller's sense of boundaries could possibly lead to serious problems for him in the future, particularly if he does not fully appreciate other boundaries as they relate to physicians and patients.

Based on all of the above, the Committee identified educational needs for Dr. Miller and decided he would benefit from a specified continuing education and remediation program on boundary issues.