

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. Karim Abdel-Aty (CPSO #107979) (the Respondent)

INTRODUCTION

The College received information raising concerns about the Respondent's volume of prescribing of medical devices for patients, for which patients had in turn submitted claims to an insurance company. The patients were unable to provide the insurance company with photographic proof of the medical devices/supplies they had claimed. Subsequently, the Committee approved the Registrar's appointment of investigators to conduct a broad review of the Respondent's practice.

COMMITTEE'S DECISION

A General Panel of the Committee considered this matter at its meeting of June 22, 2022. The Committee required the Respondent to appear before a Panel of the Committee to be cautioned with respect to failure to analyze appropriateness of prescriptions from other health care providers (in particular with respect to medical devices); failure to maintain the standard of practice with respect to patient assessments (including lack of patient history and physical examination, diagnoses, investigations, or referrals); and medical record-keeping. The Committee also accepted an undertaking from the Respondent.

COMMITTEE'S ANALYSIS

As part of this investigation, the Registrar appointed an independent Assessor to review a number of the Respondent's patient charts, interview the Respondent, and submit a written report to the Committee. The Assessor opined that the Respondent did not meet the standard of practice of the profession and exhibited a moderate lack of judgement. In particular, the Assessor noted that the Respondent did not document sufficient information to support recommending the medical devices he prescribed for patients, and documented very little patient history or physical examination. The Assessor did not find any evidence of direct harm or risk of harm to the Respondent's patients, however.

The Committee noted that the Assessor's report confirmed its view that the Respondent failed to meet the standard of practice of the profession and displayed a lack of knowledge with respect to device prescribing, in that the Respondent prescribed an excessive amount of medical devices without appropriate assessments and had a poor electronic medical record process.

The Committee noted that the Respondent accepted referrals from a rehab clinic for medical devices/supplies and prescribed the recommended devices without apparent hesitation. The Respondent provided prescriptions to patients, including whole families, for devices that no one individual would every need simultaneously. The Respondent also prescribed children the same items as adult patients including orthotics, varicose vein stockings, TENS machines, and splints. The Committee indicated that it was surprising that the Respondent would not have formed a concern about fraud being committed by the referring clinic.

The Committee had no information before it to indicate the Respondent benefitted financially from his arrangement with the rehab clinic, apart from billing OHIP for the prescriptions provided. Of significant concern to the Committee, however, was the fact that the Respondent did not take the time to conduct proper physical examinations of patients to determine if the devices were even indicated for the patient. The Committee also noted that the Respondent did not order any investigations nor refer patients for speciality assessments, nor attempt to use conservative management as a first step prior to prescribing the devices.

Regardless of whether the Respondent received money from the rehab clinic for issuing prescriptions, the Committee noted, the Respondent's ethics in repeatedly issuing unnecessary and duplicative prescriptions was an ethical breach. The Committee also noted that the Respondent's medical record-keeping was not consistent with the standard of practice of the profession, and his clinical care in issuing so many unnecessary prescriptions was not consistent with the standard of practice of the profession.

The Committee noted the remedial efforts the Respondent had undertaken at his own initiative after being made aware of the College's investigation. While recognizing these efforts, the Committee remained concerned about the shortcomings in the Respondent's clinical care and conduct identified by the investigation and for this reason decided to caution him, in addition to accepting an undertaking from him.