

**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. Muhammad Khalid Khawar (CPSO #65808)
(the Respondent)**

INTRODUCTION

The College received a complaint from a patient (the Patient) raising concerns about the Respondent's practice. Specifically, the Patient was concerned about the Respondent's administration of his office practice, as she had concerns about the care she received from a physician's assistant (PA), whom she understood was acting under the Respondent's supervision. Subsequently, the Committee approved the Registrar's appointment of investigators to conduct a review of the matter.

COMMITTEE'S DECISION

A General Panel of the Committee considered this matter at its meeting of December 2, 2020. The Committee required the Respondent to attend at the College to be cautioned in person with respect to improper delegation, and it referred questions about the Respondent's billings relating to his delegation to the General Manager of OHIP. The Respondent also provided an undertaking to the College which included education in the delegation of controlled acts.

COMMITTEE'S ANALYSIS

The medical records indicate that the Patient was seen by a PA. There was no documentation in the record indicating that the Respondent personally saw the Patient or that the PA consulted him about the Patient's care. He advised that he was not even aware of the Patient until notified of the complaint. There was a Medical Directive between the Respondent and the PA for the delegation of controlled acts.

Under the College's policy, *Delegation of Controlled Acts*, a physician must not delegate the performance of an act that they are not competent to perform personally. The Committee noted that the Respondent's scope of practice relates to Internal Medicine only, and therefore would not have included the type of care that the PA provided to the Patient, specifically, obstetrical and mental health care. The Committee was concerned that the Medical Directive between the Respondent and the PA proposed to delegate a broader scope of practice than the Respondent had (in that it included primary care), which the Respondent should have recognized as being problematic.

The Committee was also concerned that, contrary to the guidelines set out in the College's policy, the Respondent had no relationship with/knowledge of the Patient, and

it was not clear from the record that the Patient provided informed consent to have her care delegated to the PA.

The policy makes it clear that accountability and responsibility for the delegated act remain with the delegating physician. The physician must provide the appropriate level of supervision to ensure that the delegated act is performed properly and safely, and they must engage in ongoing monitoring and evaluation. The Committee was of the opinion that the Respondent failed to properly supervise and monitor the PA to ensure that the controlled acts were performed appropriately. It was also not clear to the Committee whether the Respondent had satisfied himself that the PA had the appropriate knowledge, skill and judgment to provide the care she did to the Patient.

It was the Respondent's responsibility to ensure that his delegation to PAs complied with the policy, and the Committee was struck by his apparent lack of insight in this regard, and his reluctance to accept his overall responsibility and role as the delegator of controlled acts.

Given the issues regarding the Respondent's delegation and supervision of PAs that were raised in the investigation, an undertaking was obtained, as set out above, and the Committee decided to require the Respondent to attend at the College to be cautioned in person.

The Committee was also concerned that the Respondent failed to ensure that the billing related to the controlled acts was done appropriately, and that issue was referred to the General Manager of OHIP.