

SUMMARY

DR. GABRIELA FRANKLIN (CPSO# 75966)

1. Disposition

On August 2, 2017, the Inquiries, Complaints and Reports Committee (“the Committee”) required Dr. Franklin (Family Medicine) to appear before a panel of the Committee to be cautioned with respect to deficient narcotic prescribing and poor medical record-keeping.

The Committee also accepted an undertaking from Dr. Franklin, dated July 19, 2017.

2. Introduction

The College received information from the police about the possible involvement of Dr. Franklin in the prescribing of fentanyl to persons for illicit gains. The College also received information from the Narcotics Monitoring System (“NMS”) raising concerns about Dr. Franklin’s narcotics prescribing. Subsequently, the Committee approved the Registrar’s appointment of investigators to conduct a review of Dr. Franklin’s practice.

3. Committee Process

As part of this investigation, the Registrar appointed a Medical Inspector (“MI”) to review a number of Dr. Franklin’s patient charts, interview Dr. Franklin and submit a written report to the Committee.

A Panel of the Committee (consisting of physician and public members) constituted to consider cases that include narcotics prescribing issues met to review the relevant records and documents related to the investigation. 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.cpsso.on.ca, under the heading "Policies & Publications."

4. Committee's Analysis

The Committee considered the report of the MI, who concluded that Dr. Franklin failed to meet the standard of practice in all of the charts reviewed and demonstrated a lack of knowledge, skill and judgement in a large number of areas surrounding narcotics prescribing and documentation, and that her clinical practice, behaviour or conduct exposed or was likely to expose her patients to harm or injury in almost half of the charts reviewed. The Committee also considered Dr. Franklin's response to the MI's report, where Dr. Franklin described changes to her narcotics prescribing practice and education she has taken or will take to improve her narcotics prescribing and medical record-keeping. Dr. Franklin responded that she has no knowledge of the basis of the belief by police that she was involved in illicit prescriptions and she denies any involvement.

As a result of this investigation, the Committee had serious concerns about Dr. Franklin's narcotics prescribing and medical record-keeping. The Committee noted that its concerns would be satisfied, in part, if an undertaking could be obtained from Dr. Franklin to address the issues in question. Such an undertaking was obtained and is posted on the public register. The Committee is satisfied that the terms of the undertaking (which include close, phased supervision, professional education (including with respect to opiate prescribing and medical record-keeping) and reassessment) are important measures to ensure that Dr. Franklin's ongoing and future narcotics prescribing is safe and effective for patients.

However, the Committee was concerned by the MI's conclusions. The Committee was of the view that despite the important steps Dr. Franklin has made and is making to improve her practice, the extent of Dr. Franklin's deficiencies in her narcotics prescribing and medical

record-keeping was such that the Committee determined that it was also appropriate to require her to attend before a panel of the Committee to be cautioned.