

SUMMARY

DR. PHILLIPPE HAZIZA (CPSO# 64593)

1. Disposition

On May 22, 2018, the Inquiries, Complaints and Reports Committee (the Committee) required General Practitioner Dr. Haziza to appear before a panel of the Committee to be cautioned regarding his current practice model, which is not within the spirit of the College policy, *Accepting New Patients*, and in particular, with respect to accepting patients on a first-come, first-served basis (including those covered by OHIP), and keeping the patient's best interests in mind. The Committee also directed Dr. Haziza to review and provide a written report on the policy on accepting new patients, and relevant sections of the College's The Practice Guide.

2. Introduction

The College received information raising concerns about Dr. Haziza's family practice, specifically, that Dr. Haziza only sees Quebec patients and requests pre-payment prior to scheduled visits.

Subsequently, the Committee approved the Registrar's appointment of investigators to conduct an investigation of Dr. Haziza's practice.

Dr. Haziza responded that he does see patients covered by OHIP; however, he does not bill OHIP or otherwise charge these patients for services rendered. Dr. Haziza provided a list of Ontario residents to whom he provided care with an explanation of the billing for each.

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

As set out in the policy, *Accepting New Patients*:

"The key values of professionalism articulated in the College's Practice Guide – compassion, service, altruism and trustworthiness – form the basis of the expectations set out in this policy. Physicians embody these values and uphold the reputation of the profession by, among other things:

1. Acting in the best interests of prospective patients by ensuring that decisions to accept new patients are equitable, transparent and non-discriminatory.

...Physicians must accept new patients in a manner that is fair, transparent, and respectful of the rights, autonomy, dignity and diversity of all prospective patients. Doing so reinforces public trust in the profession, and fosters confidence in the physician-patient relationship.

This policy sets out physicians' professional and legal obligations when accepting new patients. Physicians satisfy these obligations, in part, by accepting new patients on a first-come, first-served basis. Doing so helps to ensure compliance with the Ontario

Human Rights Code, which entitles every Ontario resident to health services free from discrimination.”

When College investigators attended his clinic in September 2016, Dr. Haziza’s staff member told them that Dr. Haziza does not see patients covered by OHIP, and if a patient covered by OHIP contacts the office, they are referred elsewhere. Dr. Haziza then told the College that this is inaccurate, that he does in fact see patients covered by OHIP; however, he does not bill OHIP or otherwise charge these patients for services rendered. Dr. Haziza provided a list of Ontario residents to whom he provided care with an explanation of the billing for each.

Upon review of the investigative record, the Committee found that Dr. Haziza is seeing few, if any, OHIP-insured patients at his clinic. As only a few patients were on the list and he states he does not bill OHIP, nor does he charge them for such visits. OHIP confirmed that they had no records of Dr. Haziza submitting billings to them. Instead, his practice is comprised primarily of Quebec residents whom he charges directly at rates well above the RAMQ and OHIP usual rate for equivalent services. Though Dr. Haziza denied that he does not accept OHIP-insured patients, the information before the Committee suggested that Dr. Haziza is engaged in “cherry picking” patients such that the vast majority are not OHIP insured.

Had Dr. Haziza charged an OHIP-insured person for the same services he charged the Quebec resident, this would have been considered extra billing and contrary to the *Commitment to Medicare Act*. The Committee is also concerned that Dr. Haziza’s rates appear to be well above the OHIP rate for the equivalent service. As outlined in the College policy on uninsured services, when charging for these services, physicians must charge a reasonable fee.

Though located in downtown Ottawa, Dr. Haziza’s office has no outside marking to indicate he is offering medical services, and as Dr. Haziza explained, patients must have an advance appointment as a magnetic card is required to reach the office.

Dr. Haziza's website notes: "We believe that we can improve the quality of services offered thanks to a set up that allows us to **work differently than permitted in the public system**. We are structured to work with innovative techniques and modern tools which correspond to a modern lifestyle." [Emphasis added]

The Committee is concerned that Dr. Haziza advertises that his clinic is set up to "work differently than is permitted in the public system," and that it is primarily aimed at Quebec residents searching for a family doctor. This practice model is not within the principles set out in the *Canada Health Act* or the *Commitment to the Future of Medicare Act*, including supporting universal health care that is accessible and portable, and prohibiting two-tier medicine and extra billing.

In the Committee's view, Dr. Haziza is not following the spirit of the College's policy, *Accepting New Patients*, or the College's Practice Guide. The Committee stated that Dr. Haziza should ensure his practice is accessible to patients insured by OHIP.

The Committee's concern was heightened in this case as the Committee previously cautioned Dr. Haziza in writing regarding the same issue, that is, to comply with the College's policy on accepting new patients by not refusing all patients registered with OHIP.