

**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. Truong Van Nguyen (CPSO #70676)
(the Respondent)**

INTRODUCTION

The Complainant, whose medical history includes migraines, saw the Respondent as a walk-in patient on April 22 and May 21, 2019. The Complainant contacted the College of Physicians and Surgeons of Ontario (the College) to express concerns about the Respondent's conduct.

COMPLAINANT'S CONCERNS

The Complainant is concerned that the Respondent conducted himself in an unprofessional manner during a walk-in clinic appointment on May 21, 2019. Specifically, the Respondent:

- **Dismissed the Complainant's report of migraine pain and request for a prescription refill and failed to recall that he had seen the Complainant within the previous month for the same clinical issue and had provided the prescription during that visit**
- **Dismissed the Complainant's attempts to request stress reduction suggestions and inappropriately offered the Complainant a sick note, which the Complainant did not want**
- **Used threatening language, such as "If you speak more, I will kick you," and told the Complainant that he would not let him leave the clinic.**

COMMITTEE'S DECISION

The Committee considered this matter at its meeting of October 16, 2019. The Committee required the Respondent to attend at the College to be cautioned in person with respect to inadequate medical records and unprofessional conduct. The Committee also directed staff to negotiate an undertaking with the Respondent. The College subsequently received the Respondent's undertaking and it is posted on the College's public register.

COMMITTEE'S ANALYSIS

The Committee had no concerns with the Respondent's clinical care in this matter and took no action on the complaints regarding prescribing and offering a sick note.

The Respondent acknowledged that he told the Complainant he would "kick [his] butt" if he continued to curse loudly in the office. He explained that he understood this comment was inappropriate and uncalled for. The Respondent also indicated that he asked the Complainant a

number of times why he said he was going to complain to the College. While the Committee had no way to determine from a review of documentation whether the Respondent refused to let the Complainant leave the clinic, the Committee considered it possible that the Complainant felt the Respondent was detaining him with his repeated questions about his plan to lodge a complaint.

The Committee had a number of concerns with the Respondent's conduct in this case. The Respondent's College history includes issues surrounding communication and professionalism. Prior to his encounter with the Complainant, the Respondent had completed a period of remediation that included one-to-one coaching in both of these areas. It was apparent to the Committee that the Respondent's communication in the current matter, and specifically his threat to physically harm the Complainant, demonstrated a failure to learn from the College's interventions. For this reason, the Committee was not satisfied with the Respondent's apology and his promise that he would not make such a comment again.

The Respondent's period of remediation was also intended to address deficiencies in his medical record-keeping. On this basis, it was concerning to the Committee to note that the Respondent's written medical record was illegible and sparse and did not follow the SOAP (subjective, objective, assessment, plan) format. It was impossible for the Committee to be certain of when the handwritten note was completed, as it appeared that more than one pen had been used. The entry into the electronic medical record was completed in July 2019, almost three months after the April 2019 visit. It is the College's expectation that charting be reasonably contemporaneous with the patient visit.

The Committee considered the deficiencies in the Respondent's documentation in this case to be further illustration of failure on his part to remediate.

As a result of this investigation, the Committee decided to seek an undertaking from the Respondent and to require him to attend at the College to be cautioned. The Respondent's undertaking includes a requirement that he complete a medical record-keeping course and undergo a practice reassessment.