

SUMMARY

Dr. Truong Van Nguyen (CPSO# 70676)

1. Dispositions

On January 25, 2017, the Inquiries, Complaints and Reports Committee (“the Committee”) ordered family physician Dr. Nguyen to complete a specified continuing education and remediation program (“SCERP”), and to attend the College to be cautioned with respect to paying attention to, and responding in a timely and courteous manner to, third-party requests for records, on the written consent of the patient. The SCERP requires Dr. Nguyen to undergo instruction to ensure his documentation meets the standard of a competent family physician, as outlined in an Individualized Education Plan, including:

- One-on-one instruction
- Self-study
- Clinical Supervision
- Reassessment

2. Introduction

An insurance company representative expressed concerns about Dr. Nguyen’s administrative conduct in failing to respond to repeated requests for documentation respecting Mr. X, the insurance company’s client and Dr. Nguyen’s patient. The insurance company representative also raised concerns about Dr. Nguyen’s professional communications. In the course of reviewing Mr. X’s chart, the Committee had concerns about the legibility of Dr. Nguyen’s documentation.

Dr. Nguyen responded that Mr. X had withdrawn his consent to allow him (Dr. Nguyen) to submit his chart to the insurance company. With respect to his medical records, Dr. Nguyen acknowledged that he had “bad” handwriting which caused difficulties with legibility.

3. Committee Process

A 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

The Committee noted that the insurance company attempted to obtain Mr. X's chart from Dr. Nguyen starting in November 2015, and that Dr. Nguyen did not deliver the chart until August 2016. The Committee had some trouble understanding Dr. Nguyen's explanation for the delay, as there was confusion about dates. Further, the Committee noted that if Mr. X had withdrawn his prior written consent to release of the chart, Dr. Nguyen failed to document this and failed to inform the requesting party (the insurance company) that he could not provide the chart due to Mr. X's lack of consent.

In any event, the Committee was satisfied that Mr. X had requested release of the chart to the insurance company personally at office visits in 2016 (in the presence of his niece, who provided information to the College), yet Dr. Nguyen had still not released the chart until after the insurance company representative contacted the College. The Committee was concerned about the lack of timeliness in Dr. Nguyen's response to the insurance company's requests for a copy of Mr. X's medical record. In reaching its disposition on this point, the Committee noted that Dr. Nguyen's history with the College included a previous public complaint about failure to complete insurance forms, which the Committee had addressed at a caution in person in 2007.

Dr. Nguyen did not deny, or respond to, the complainant's assertion that he hung up on her more than once when she telephoned him to inquire about Mr. X's chart. In the Committee's view, this raised concerns about Dr. Nguyen's professional communications, to be addressed when he attends for the caution, along with the timeliness of his response.

With respect to legibility of the chart, the Committee was aware that Dr. Nguyen completed a course in medical record-keeping in 2010. Yet his chart notes, even those post-dating completion of the course, remained illegible. The SCERP will therefore address legibility of chart notes, along with timeliness in responding to requests for documentation.