

**Indexed as: Patel (Re)**

**THE DISCIPLINE COMMITTEE OF THE COLLEGE  
OF PHYSICIANS AND SURGEONS OF ONTARIO**

**IN THE MATTER OF a Hearing directed  
by the Complaints Committee of  
the College of Physicians and Surgeons  
of Ontario, pursuant to Section 38 to 56  
of the Health Professions Procedural Code  
of the Regulated Health Professions Act 1991,  
S.O.1991, c. 18 as amended.**

**BETWEEN:**

**THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO**

**- and -**

**DR. RAMESH PATEL**

**PANEL MEMBERS:** DR. B. ADAMS (CHAIR)  
DR. A. KENSHOLE  
DR. J. LAMONT  
H. MAEOTS  
R. BRASSARD

**HEARING DATE:** August 17, 1999

**DECISION/RELEASED:** August 17, 1999

**DECISION AND REASONS FOR DECISION**

This matter was heard on August 17, 1999 before the Discipline Committee of the College of Physicians and Surgeons of Ontario at Toronto. The Committee delivered its oral decision after deliberation on that date, and reserved on the delivery of written reasons, which are here delivered.

It was alleged in the Notice of Hearing that Dr. Ramesh Patel:

- (a) for the period before January 1, 1994, by his failure to maintain the standard of practice of the profession, is guilty of professional misconduct as defined in paragraph 27.21 of Regulation 448 of the Revised Regulations of Ontario 1980 and paragraph 29.22 of Regulation 548 of the Revised Regulation of Ontario 1990, and,
- (b) for the period after January 1, 1994, by failing to maintain the standard of practice of the profession, has committed an act of professional misconduct as defined by paragraph 1(1).2 of O.Reg 856/93.

It was also alleged in the alternative that Dr. Ramesh Patel,

- (a) for the period before January 1, 1994, by conduct or an act relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, is guilty of professional misconduct as defined in paragraph 27.32 of Regulation 448 of the Revised Regulations of Ontario 1980 and paragraph 29.33 of Regulation 548 of the Revised Regulations of Ontario 1990, and
- (b) for the period after January 1, 1994, by an act or omission relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, has committed an act of professional misconduct as defined by paragraph 1(1).33 of O.Reg 856/93.

It was further alleged that,

- (a) for the period before January 1, 1994, Dr. Ramesh Patel has displayed in his professional care of a patient, a lack of knowledge, skill or judgment or disregard for the welfare of the patient of a nature or to an extent that demonstrates he is unfit to continue in practice, which is incompetence under subsection 60(4) of the Health Disciplines Act, R.S.O. 1980, and subsection 61(4) of the Health Disciplines Act, R.S.O. 1990, c. H.4, and
- (b) for the period after January 1, 1994, Dr. Ramesh Patel's care of a patient displayed a lack of knowledge, skill or judgment or disregard for the welfare of the patient of a nature or to an extent that demonstrates that he is unfit to continue in practice or that his practices should be restricted, which is incompetence under subsection 52(1) of the Health Professions Procedural Code, which is schedule 2 to the Regulated Health Professions Act, 1991.

### **JOINT SUBMISSION**

A joint brief of documents was filed, and a joint submission was made by counsel for the College and counsel for the doctor, as to the appropriate disposition of this case. The joint brief submitted and the reports of an expert and peers, (Dr. K., Dr. W., and Dr. R.), all pointed out deficiencies in clinical care of the patient by Dr. Patel. Throughout, the medical record did not substantiate the diagnosis or treatment plan, both from a lack of information, and from the information contained in it.

Some of the issues relating to care, were noted:

- 1. The patient exhibited several risk factors contraindicating birth control pill use. (e.g., previous DVT, heavy smoker, previous tubal ligation, possible menopause) yet Dr. Patel prescribed this medication.
- 2. Dr. Patel did not attempt to determine or deal with underlying causes of her depression.
- 3. Dr. Patel did not follow up on suggestions by consultants and did not refer to other specialists or counsellors as suggested. (e.g. quote from Dr. K.. "None of the issues raised in Dr. R's letter were ever recorded or addressed."
- 4. Failure to adequately follow-up abnormal laboratory results.

Another issue of concern were the extremely poor records. Many of the entries were very brief. They did not outline the presenting complaint or an adequate physical examination, past history and diagnosis of treatment plan.

It appeared some of the notes of the patient encounters had been rewritten and some of the records were missing completely. (e.g., blood pressure recording on certain dates but no other corresponding documentation.

The Committee also reviewed several letters which were submitted on Dr. Patel's behalf. The letters were all supportive of his clinical competence as evaluated by his appropriate referrals to a few specialists and the assessment of peers working in the Emergency Department.

The Committee also had before it an acknowledgment from Dr. Patel that his record-keeping practices do not meet contemporary standards according to the College's Guidelines.

## **DECISION**

The Committee found that Dr. Patel fell below the standard of practice expected for a member of the College in regard to the patient's case, and, therefore, was guilty of professional misconduct.

## **PENALTY**

The Committee accepted the joint submission and made the following order as to penalty:

1. Dr. Patel is required to appear before the panel to be reprimanded, the reprimand to be recorded on the Register.
2. The Registrar will be directed to suspend Dr. Patel's certificate of registration for a period of three months;
3. The three month suspension will itself be suspended, provided that:
  - (i) Dr. Patel attends, as soon as possible but not later than November 30, 1999, at

his own expense, a PREP assessment and completes any remedial and assessment steps recommended by the PREP assessor;

- (ii) In the event that Dr. Patel scores level 3 or better at PREP, he will be permitted to practise while undergoing those remedial steps. In the event Dr. Patel scores level 4 or worse, he will be required to withdraw from practice pending his achieving level 3 or better on re-assessment;
- (iii) Dr. Patel will take, at his own expense, the course offered by The College entitled **Record-Keeping for Family Physicians** to be held on September 17, 1999;
- (iv) Dr. Patel's office records will be re-assessed by the College at his expense, on a date to be arranged between September 1, 2000, and December 31, 2000.
- (v) In the event that Dr. Patel fails to comply with Paragraph 3(i), 3(ii), 3(iii) or 3(iv) herein, the Registrar shall be directed to suspend Dr. Patel's Certificate of Registration for a period of three months, to commence on a date to be fixed by the Registrar.

The Committee felt that this penalty is sufficiently severe so as to impress on Dr. Patel and all members the need to maintain the standard of care for all their patients and to have their clinical notes adequate to substantiate care and management.

The penalty has addressed the need for Dr. Patel to assess his clinical skills and remediate any deficiencies and to undertake a course to assist him in improving his clinical records. There will be further evaluation of his practice after those events.

The penalty also addresses further consequences should he fail to complete all conditions of the ordered penalty.

Dr. Patel waived his right to appeal and the reprimand was administered to Dr. Patel by the panel.

**PANEL COMMENT**

During the deliberations of this hearing, the panel was very concerned about the quality of patient records. The record, whether electronic or manually transcribed, must contain sufficient information on each patient's encounter to outline the reason for the visit, the pertinent history and physical findings, the working diagnosis and an outline of proposed investigation, treatment and follow-up.

Members must comply with the requirements of the College of Physicians and Surgeons of Ontario Statement on the patient's record.