

## **SUMMARY**

### **Dr. Patrick Wing Nin Yau (CPSO#66515)**

#### **1. Disposition**

On May 14, 2018, the Inquiries, Complaints and Reports Committee (the Committee) required general surgeon Dr. Yau to appear before a panel of the Committee to be cautioned with respect to his lack of history taking and physical examination, lack of preoperative consent and risk discussion, lack of post-operative follow-up despite the patient's request, and on his professionalism and lack of insight.

#### **2. Introduction**

A patient complained to the College about Dr. Yau's management of his Slimband procedure by Dr. Yau at a clinic in 2012. For example, Dr. Yau failed to obtain informed consent by not explaining the risks and potential complications of the procedure, made false promises of weight loss success, and were rude and unprofessional in his communication.

Dr. Yau responded that the patient had signed a surgical consent, that the surgery was uneventful, that there are no guarantees with weight-loss surgery, and that his communications with patients are always professional and courteous.

#### **3. Committee Process**

A Surgical 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](http://www.cpso.on.ca), under the heading "Policies & Publications."

#### **4. Committee's Analysis**

Dr. Yau's shortcomings related to care in this case included history, physical and preoperative assessment, treatment selection, and medical record-keeping. While the Committee could not determine with certainty whether Dr. Yau made "false promises" or was rude and unprofessional in his communications, it was of the view that Dr. Yau's communications in this case were concerning in that he was completely unavailable to the patient following the procedure.

The Committee was also concerned about Dr. Yau's professionalism and insight, given that we keep receiving the same or very similar complaints about his care related to bariatric surgery undertaken at the same clinic.

The Committee noted Dr. Yau's extensive and concerning history of College complaints and investigations, including advice and cautions, specified continuing education and remediation programs, and a 2017 Discipline finding which resulted in a three month suspension, a reprimand, and terms and conditions being imposed on his licence to practice.

Dr. Yau's management in the current case took place in 2012, and predated some of the matters for which the College has since offered him advice, cautioned him, imposed educational requirements on him, or rendered a Discipline decision respecting him. His management here was similar to what the Committee had seen in previous similar files.

Taking into account Dr. Yau's College history and the Committee's identified concerns about his care and approach in this case, the Committee has concluded that the most appropriate disposition was to require Dr. Yau to attend the College to be cautioned, as set out above.