

SUMMARY

DR. BRIAN JOHN BAXTER (CPSO# 29571)

1. Disposition

On October 4, 2017, the Inquiries, Complaints and Reports Committee (“the Committee”) required general practitioner Dr. Baxter to appear before a panel of the Committee to be cautioned with respect to boundaries.

The Committee also ordered Dr. Baxter to complete a specified continuing education and remediation program (“SCERP”). The SCERP requires Dr. Baxter to:

- Practice under the guidance of a Clinical Supervisor acceptable to the College for 12 months to address identified educational needs according to CanMEDS (a framework guiding the essential abilities physicians need for optimal patient outcomes) roles of Medical Expert, Communicator (Record Keeping), Collaborator, and Advocate
- Undergo a reassessment of his practice by an assessor selected by the College approximately six months following completion of the education program
- Successfully complete the following courses: the Medical Record-Keeping Course, through the University of Toronto; the Safer Opioid Prescribing Course, through the University of Toronto; and the Understanding Boundaries and Managing Risks Inherent in the Doctor-Patient Relationship course through Schulich Medicine & Dentistry at Western University
- Engage in self-directed learning, including: review of the Narcotics and Controlled Substances section of CPSO policy statement Prescribing Drugs (#7-16); review of and discussion with the Clinical Supervisor of the Current Canadian Guideline for Opioids for Chronic Non-Cancer Pain and resource on tapering; review of Antidepressant Discontinuation Syndrome; review of Ontario Immunization Schedule (Adult only); review of and discussion with the Clinical Supervisor of CPSO policy statement *Medical Records* (#4-12); review of an article on quality and content of effective referral and

consultation request letters; review of relevant Clinical Practice Guidelines (screening guidelines for cervical, breast, and colon cancer as contained in Cancer Care Ontario's Screen for Life).

2. Introduction

The College received information raising concerns about Dr. Baxter's clinical practice (in particular prescribing and record-keeping concerns) and professional conduct (allegations that Dr. Baxter may be trading prescriptions for narcotics for sexual favours and landscaping work from patients, and that he took patients away for the weekend and took them to "strip joints.") Subsequently, the Committee approved the Registrar's appointment of investigators to conduct a broad review of Dr. Baxter's practice.

Dr. Baxter denied the allegations with respect to sexual abuse of patients; he acknowledged shortcomings in his practice, including with respect to prescribing and record-keeping.

3. Committee Process

As part of this investigation, the Registrar appointed a Medical Inspector to review a number of Dr. Baxter's patient charts, interview Dr. Baxter, and submit a written report to the Committee.

A General Panel of the Committee, consisting of public and physician members, met to review the relevant records and documents related to the investigation. 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 allegations of inappropriate interactions with patients in

exchange for prescription narcotics—which would be considered sexual abuse of patients and therefore a form of professional misconduct—were brought to the College’s attention through a mandatory report from another physician reporting what one patient reported about other patients. These very serious allegations did not hold up to scrutiny as on investigation the allegations turned out to be untrue. There was no basis, therefore, for the Committee to refer the matter to the Discipline Committee. Nonetheless the Committee was concerned that Dr. Baxter had a history with the College similar in nature to the allegations and that he acknowledged some of the alleged boundary crossings (allowing patients to live in his home; paying for one patient’s cell phone). The Committee therefore cautioned Dr. Baxter and required him to complete a boundaries course.

The Medical Inspector’s report identified significant concerns with Dr. Baxter’s prescribing practices (particularly with respect to narcotics) and his record-keeping, as well as other concerns about his clinical care of patients generally. Dr. Baxter acknowledged many of the issues in the Medical Inspector’s report. He informed the College that he was taking a number of measures to remedy the shortcomings identified. The Committee wanted to formalize the educational needs identified through the Medical Inspector’s report and for this reason issued a SCERP to Dr. Baxter to ensure completion of remediation in all the identified areas of practice. The Committee noted that it would recognize the work Dr. Baxter had already done toward fulfilling elements of the SCERP prior to its inception.