

SUMMARY

DR. ADAM NEWMAN (CPSO# 63511)

1. Disposition

On May 3, 2017, the Inquiries, Complaints and Reports Committee (“the Committee”) required family medicine specialist Dr. Newman to appear before a panel of the Committee to be cautioned with respect to professional behaviour in the workplace.

The Committee also issued advice to Dr. Newman regarding the importance of maintaining medical records that meet the College’s expectations, as outlined in College policy on medical records

2. Introduction

The College received information raising concerns about Dr. Newman’s unethical conduct and lack of professionalism related to his termination from a community health centre and his conduct when notified of his employer’s decision. Subsequently, the Committee approved the Registrar’s appointment of investigators to conduct a broad review of Dr. Newman’s practice.

Dr. Newman responded that he was “very angry” at the “bizarre” manner in which the clinic handled his termination. He denied having been aggressive or that his behaviour that day caused others to express fear of him. Regarding the review of his practice by a Medical Inspector, he noted that there were several sources of information the Medical Inspector had not accessed and also provided information to refute the Medical Inspector’s conclusions.

3. Committee Process

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

Committee. The Medical Inspector also submitted an addendum report after considering Dr. Newman's response as well as additional information.

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 clinic where Dr. Newman had worked on a part-time basis for a number of years reported that it had terminated Dr. Newman's employment for concerns that Dr. Newman had been using the facility and its resources to see patients from his private practice not registered with the clinic. The clinic's abrupt termination of Dr. Newman's privileges, and Dr. Newman's reaction to the termination, triggered the investigation before the Committee.

The Committee noted that the Medical Inspector withdrew initial criticisms about Dr. Newman's care in a number of charts reviewed and, in an addendum report, opined that Dr. Newman's care met the standard in 10 of 13 charts reviewed. The Medical Inspector downgraded the criticisms of Dr. Newman's care in the remaining three charts. The Medical Inspector commented on Dr. Newman's poor documentation.

The Committee further noted the favourable opinion of an assessor who had recently conducted a practice reassessment of Dr. Newman related to another College process.

In the Committee's view, the clinic's decision to terminate Dr. Newman was justified given the serious nature of its concerns. The Committee noted that it was not in a position to adjudicate the clinic's decisions regarding terms of employment at the clinic. The Committee also noted

that Dr. Newman's behaviour when confronted with the clinic's findings and subsequently terminated was inappropriate and inconsistent with College policy on physician behaviour in the professional environment. The Committee decided to issue a caution given that Dr. Newman's display of anger was inappropriate and unprofessional, and reflected poorly on the profession.

With respect to the deficiencies the Medical Inspector found in the chart review, the Committee noted that these shortcomings had been well explained in Dr. Newman's analysis and were partly related to the challenging nature of the clinic's practice setting. The Committee noted that, given that Dr. Newman would no longer be working at the clinic, and considering the positive reassessment report, it would be sufficient to advise him on his medical record-keeping.