

SUMMARY

Dr. Mustafa Shabbir Kapasi (CPSO# 98218)

1. Disposition

On August 31, 2017, the Inquiries, Complaints and Reports Committee (“the Committee”) required Dr. Kapasi, a Post-Graduate Year (“PGY”) 4 resident in ophthalmology to appear before a panel of the Committee to be cautioned with respect to his lack of awareness of workplace boundaries and power differentials, inaccurate documentation of clinical examinations, falsification of e-mail documentation and intimidation of medical trainees.

2. Introduction

The College received information that Dr. Kapasi had been suspended from clinical duties by the professionalism subcommittee at his university for allegations of professional misconduct. The allegations included (a) sexual harassment of a first-year resident; (b) inaccurate documentation of medical examinations (specifically, that Dr. Kapasi documented completing examinations that he did not complete); (c) falsification of e-mail correspondence; and (d) intimidation of medical trainees. The Committee subsequently approved the Registrar’s appointment of investigators to conduct a broad review of Dr. Kapasi’s practice.

Dr. Kapasi responded that he was friends with one of the first-year residents he supervised and based on their interactions mistakenly believed she wanted a romantic relationship with him. He stated that he regrets his misunderstanding and the negative experience she said she had. Dr. Kapasi said that at times he did not write measurements in patient charts after taking them, which occasionally led to him forgetting to record the measurements that he took altogether. He said he now takes great care to document all his clinical findings at the time he makes them. Dr. Kapasi admitted that he purposefully excluded an individual from one of his e-mail updates and thereby caused this individual to arrive at a scheduled program lecture at the wrong time. He indicated that when his program director asked him about it he wrongfully chose to show

him a falsified e-mail showing that he had informed the individual about the lecture change. Dr. Kapasi said he recognizes he did not communicate to colleagues the stress he was under which resulted in poor communication with them as well as a number of misunderstandings.

Dr. Kapasi was required to engage in a remediation program, following which the university's residency program director provided information regarding Dr. Kapasi's progress, including that Dr. Kapasi's overall clinical performance and performance on examinations has improved, as well as his accuracy in medical record-keeping and his communication skills with colleagues. The director stated that Dr. Kapasi took the investigation and Professionalism Subcommittee's recommendations very seriously and has flourished since his return to the residency program. He said there have been no further complaints and Dr. Kapasi has received positive reviews. Several residents also advised the College that Dr. Kapasi's care and conduct have improved.

3. Committee Process

A General 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.cpsso.on.ca, under the heading "Policies & Publications."

4. Committee's Analysis

The Committee found the allegations of sexual harassment to be extremely concerning; however, the exact nature of Dr. Kapasi's relationship with the first-year resident was unclear. The Committee was primarily troubled that Dr. Kapasi's conduct towards the resident demonstrated a lack of awareness of boundaries, and of power differentials in the workplace. In other words, Dr. Kapasi failed to appreciate his senior position in relation to this resident,

and the fact that a senior role can influence the acceptance of romantic gestures from a junior. The Committee noted that Dr. Kapasi has now completed a course in professional boundaries.

While it was not clear that Dr. Kapasi documented examinations that he did not complete, there was evidence that he recorded inaccurate information in some patients' medical records (suggesting that he did fail to write measurements in patient charts after taking them at times). For example, this occurred in one instance when after examining a patient, Dr. Kapasi recorded this patient's intraocular pressure as being normal, when in actuality it was highly abnormal. Dr. Kapasi has since completed the University of Toronto's course in medical record-keeping.

Dr. Kapasi admitted that he purposefully excluded an individual from one of his e-mail updates and in doing so caused this particular person to arrive at a program lecture at the wrong time. He admitted to falsifying an e-mail showing that he had told the individual about the change. Dr. Kapasi indicated that he will not be engaging in similar wrongful conduct in the future and has completed the University of Ottawa's courses on crucial conversations and accountability.

Certain residents in the program expressed concerns about Dr. Kapasi's professional behaviour. They said he failed to show up for clinic hours and did not provide support to junior residents. They also indicated that Dr. Kapasi at times was disrespectful towards them and intimidating and provided the College with screenshots of text messages that they felt were inappropriate. The Committee agreed that the content of the texts was not only unkind but also aggressive, and emphasized the importance of being careful about one's tone in written communications. Dr. Kapasi indicated that he is now fully committed to supporting the program's junior residents

Overall, the Committee had concerns about Dr. Kapasi's care and his inappropriate behaviour; however, noted that in his response he demonstrated considerable insight into his deficiencies. The Committee also noted that Dr. Kapasi fully engaged in an extensive remediation program and that he received a great deal of positive feedback resulting in the lifting of his suspension. The Committee agreed that this recent positive feedback is both promising and encouraging,

and noted that the university will support Dr. Kapasi and continue to monitor him very closely; yet did not feel this absolved Dr. Kapasi of responsibility for his past clinical errors and conduct. The Committee thus decided to meet with him to caution him regarding the concerns raised.