

**SUMMARY of the Decision of the Inquiries, Complaints and Reports Committee  
(the Committee)**  
(Information is available about the complaints process [here](#) and about the Committee [here](#))

**Dr. Shawn Shu-Kang Kao (CPSO #58249)  
(the Respondent)**

## **INTRODUCTION**

The Complainant contacted the College of Physicians and Surgeons of Ontario (the College) to express concern about the Respondent's conduct related to complying with a request for medical records for a family member.

## **COMPLAINANT'S CONCERNS**

**The Complainant is concerned that the Respondent:**

- **routinely denied the Complainant access to the Patient's medical information in spite of being provided a court order compelling him to produce it**
- **refused to meaningfully communicate with him in any way about the Patient's medical care (notwithstanding that the Patient was born with a serious medical condition and it was important for the Complainant to have knowledge of her medical issues and medications when she was in his care)**
- **made false representations about the Complainant to the Court and the Children's Aid Society in support of the Patient's mother's claims for custody and access of the Patient (notwithstanding that the Respondent had never met or spoke to the Complainant at any time and was not in a position to make these statements and accusations, which were not true).**

## **COMMITTEE'S DECISION**

A Family Practice Panel of the Committee considered this matter at its meeting of December 16, 2022. The Committee required the Respondent to appear before a Panel of the Committee to be cautioned with respect to 1) his failure to respond in a timely manner to a parent's request for medical information related to their child, and 2) providing insufficient information to satisfy once he did respond to the request.

The Committee also agreed to accept an undertaking from the Respondent.

## **COMMITTEE'S ANALYSIS**

*Routinely denied the Complainant access to the Patient's medical information in spite of being provided a court order compelling him to produce it*

AND

*Refused to meaningfully communicate with him in any way about the Patient's medical care (notwithstanding that the Patient was born with a serious medical condition and it was important for the Complainant to have knowledge of her medical issues and medications when she was in his care)*

- In the court proceedings, the Respondent under cross-examination testified that he refused to comply with a court order because the chart contained information that he believed the Complainant was not entitled to. The court found this a startling admission—that the Respondent prioritized the litigation process over the health of the Patient, which resulted in the Complainant's having no medical records for the Patient. The court disregarded the Respondent's evidence as it was felt that he had acted outside the scope of his professional duties and lacked impartiality.
- The Respondent's actions, and documentation of the court proceedings related to the custody hearing, indicate the Respondent was heavily biased towards the Patient's other parent. He also admitted in testimony that he violated CPSO policy on medical records management and third-party reports. The court felt that the Respondent's actions placed the Patient in jeopardy and the Committee agreed with this assessment.
- When the Respondent did eventually respond to the Complainant's request for information, he provided limited information only. Thus, he continued to fail to satisfy the terms of the court order specifying the information to be provided. This behaviour was not only discourteous to the Complainant, it was also obstructive and unprofessional, and inconsistent with the College's expectations of its members.
- In response to the complaint, the Respondent indicated he had reviewed the College policies on medical records management and third party reports. The Committee believed this showed some insight on the Respondent's part. Given the concerning nature of the Respondent's actions, however, including his failure to uphold the standards of the profession in disobeying a court order, disregarding numerous requests from lawyers for further chart information regarding his patient, and denying the Complainant access to important medical information about his child, the Committee decided it was appropriate to caution the Respondent as outlined above.

*Made false representations about the Complainant to the Court and the Children's Aid Society in support of the Patient's mother's claims for custody and access of the Patient (notwithstanding that the Respondent had never met or spoke to the Complainant at any time and was not in a position to make these statements and accusations, which were not true)*

- The Committee agreed to accept an undertaking from the Respondent with respect to this aspect of the complaint.