

SUMMARY

DR. MENDEL ROBERT NADEL (CPSO# 25723)

1. Disposition

On October 14, 2016, the Inquiries, Complaints and Reports Committee (“the Committee”) ordered Dr. Nadel (Obstetrics and Gynecology) to appear before a panel of the Committee to be cautioned with respect to his unprofessional communications.

2. Introduction

The College received information from a health care professional who worked with Dr. Nadel (Ms. A), raising concerns about Dr. Nadel’s behaviour towards a patient, Ms. X, during Ms. X’s delivery. Specifically, Ms. A was concerned that Dr. Nadel had acted unprofessionally by loudly and sternly telling Ms. X to “shut up” several times during the delivery, and making other inappropriate statements to her.

The Committee approved the Registrar’s appointment of investigators to conduct a review of Dr. Nadel’s care in this case.

Ms. X advised that Dr. Nadel yelled at her, told her to shut up, and said that if she did not stop screaming he could not do the delivery and that he would walk out. She felt that Dr. Nadel could have been more compassionate. Ms. X’s sister, who was present for the delivery, also recalled Dr. Nadel yelling at Ms. X and telling her to shut up or he would leave.

Dr. Nadel responded that he did not have a specific recollection of the delivery in question, but denied that he would have behaved in the manner alleged. Dr. Nadel stated that there are some circumstances where he may have to speak very directly and loudly with the patient in order to have the patient focus on the task at hand, so that he can safely deliver the patient’s baby. He indicated that he would never threaten to leave a patient during delivery, and advised that he has not made such a statement since an experience many years ago, with which the College is familiar.

3. Committee Process

The Obstetrical 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 concluded that although there was some discrepancy in the recollection of events before the Committee, Ms. X and her sister verified certain concerning aspects of Dr. Nadel's behaviour as described by Ms. A. Specifically, they recalled Dr. Nadel telling Ms. X to "shut up" and yelling at her, and Dr. Nadel saying that he would leave if Ms. X did not shut up.

The Committee was very troubled by Dr. Nadel's behaviour in this case, which it considered to be disturbing and entirely unprofessional.

While the Committee acknowledged that a physician can encounter difficult or challenging situations when assisting patients during labour and delivery, they felt it was never appropriate to yell at a patient or tell the patient to "shut up", and certainly entirely inappropriate for a physician to threaten to leave if the patient is not quiet. The Committee indicated that it would expect a physician, as a trained and experienced professional, to employ other, more temperate and sensitive means of calming the patient and gaining control of the situation so as to safely manage the delivery.

The Committee was equally troubled by the fact that, in his response to the investigation, Dr. Nadel did not appear to demonstrate any insight regarding the inappropriate nature of his behaviour. The Committee also noted the fact that Dr. Nadel has a long history with the College, including several previous complaints raising concerns about his communications and manner towards patients, and a referral to the College's Discipline Committee which led to a finding that he had acted in a manner that would reasonably be regarded by members as disgraceful, dishonourable or unprofessional conduct when he interrupted or terminated his relationship with a patient during her delivery.

