

## **SUMMARY**

### **DR. DEBESH BASU (CPSO# 75252)**

#### 1. Disposition

On November 9, 2016, the Inquiries, Complaints and Reports Committee (“the Committee”) required family physician Dr. Basu to appear before a panel of the Committee to be cautioned with respect to ungovernability and the importance of self-regulation.

#### 2. Introduction

The College made inquiries of Dr. Basu to determine his compliance with required testing for blood borne viruses given that he conducts exposure prone procedures while working in the Emergency Department of various hospitals. Dr. Basu’s lack of timely response to the inquiries and objections to such inquiries led to the Committee’s approval of the Registrar’s appointment of investigators to conduct a broad review of Dr. Basu’s practice.

Dr. Basu explained that he had had his blood tested as required, and that it was never his intention to be non-compliant with the College. He said that his initial objection to providing the information rested on a misunderstanding regarding the frequency of the required testing. He noted that regardless of his concerns about privacy, costs of the test, and inconsistent requirements of such testing for other health care providers, he was reluctant to provide the information to the College until his concerns had been addressed and it was his belief that in so doing he was acting in the best interests of the profession.

#### 3. Committee Process

A 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.cpso.on.ca](http://www.cpso.on.ca), under the heading “Policies & Publications.”

#### 4. Committee's Analysis

The Committee referred to College policy on blood borne pathogens (in effect from May 2012 to December 2015) and the updated policy on blood borne viruses (in effect from December 2015). The policy in effect at the time the College was making inquiries of Dr. Basu states that physicians performing or assisting in exposure prone procedures must be tested for blood borne pathogens annually.

The Committee reviewed the chronology of the College's attempts to obtain the required information from Dr. Basu over several months. It noted that Dr. Basu failed to provide required information to his professional regulatory body in a timely manner on the basis of mainly personal objections. The Committee was concerned that Dr. Basu did not appear to recognize or acknowledge that practising in a self-regulating profession is a privilege, not a right, and that College first has a duty to protect the public.

The Committee felt that Dr. Basu's lack of compliance was troubling because if all physicians behaved as Dr. Basu did, such activity would be paralyzing to self-regulation.

The Committee noted that there is a way for physicians to make objections known to policies in place or under consideration by College Council, as provided in a public consultation process.