

SUMMARY

DR. HYM DUN CHEUNG (CPSO# 25850)

1. Disposition

On June 1, 2016, the Inquiries, Complaints and Reports Committee (“the Committee”) ordered general practitioner Dr. Cheung to complete a specified continuing education and remediation program (“SCERP”). The SCERP requires Dr. Cheung to:

- attend and successfully complete the next available sessions of the Medical Record-Keeping Course and the Safe Opioid Prescribing Series course through the University of Toronto School of Medicine;
- engage in self-direct learning and prepare written summaries related to the review he has undertaken, including with respect to College policy statements #4-12, *Medical Records*, and #8-12, *Prescribing Drugs*, and the “Canadian Guideline for Safe and Effective Use of Opioids for Chronic Non-Cancer Pain”;
- engage in a 6-month period of clinical supervision, with a clinical supervisor acceptable to the College, focused on narcotic prescribing for non-cancer pain and medical record-keeping; and
- undergo a reassessment, by an assessor selected by the College, to include a chart review and interview approximately six (6) months following completion of the program outlined above.

2. Introduction

The College received a public complaint about Dr. Cheung’s clinical and office administration practice. The Complainant, a long-time patient of Dr. Cheung, had concerns about Dr. Cheung’s prescribing practices related to narcotic medication with respect to Dr. Cheung’s care of both the Complainant and a family member of the Complainant (Patient A). The Complainant also had concerns about other aspects of Dr. Cheung’s clinical care. In addition, the Complainant

expressed concern about Dr. Cheung's failure to transfer medical records upon request, and a lack of professionalism in interactions with Dr. Cheung's staff.

Dr. Cheung indicated that he did provide the Complainant's medical file to the Complainant's lawyer in 2014, and directed the Complainant to the lawyer. He pointed out that he did provide a summarized medical history to the Complainant's new family physician. Dr. Cheung noted that the Complainant had chronic pain syndrome and anxiety, and insisted on Demerol for acute pain control. Eventually, Dr. Cheung reported, he was able to obtain the Complainant's agreement to treatment using Tylenol #3, with Demerol as necessary for acute pain relief only. Regarding the Complainant's joint pain. Dr. Cheung denied that his office staff was unprofessional, but noted that the Complainant left a messaging stating: "I'm going to make trouble for you." Dr. Cheung acknowledged that, with respect to Patient A, he too readily acceded to requests for narcotics.

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, under the heading "Policies & Publications."

4. Committee's Analysis

The Committee found that, although Dr. Cheung had only a minor history with the College despite many years in practice, his pain management practice with respect to both the Complainant and Patient A fell below the standard of care. The Committee also found that Dr. Cheung's record-keeping was lacking in terms of clear documentation, narcotic contracts, urine testing, and use of ancillary medicines. Regarding Patient A, the Committee found that appropriate referrals and investigations were missing. With respect to the request for transfer of medical records, the Committee found that Dr. Cheung contravened the expectations set out in College policy on medical records by not responding in an appropriate and timely manner to the transfer request. The Committee did not feel that the investigative record supported the Complainant's allegations with respect to Dr. Cheung's dismissal of arthritis pain, or the

behaviour of Dr. Cheung's staff. Given that the College's investigation revealed that the Complainant's concerns about aspects of Dr. Cheung's prescribing and record-keeping were borne out, the Committee imposed the SCERP outlined above.