

SUMMARY

DR. SEBASTIAN BOSCO LEON (CPSO# 70604)

1. Disposition

On July 25, 2018, the Inquiries, Complaints and Reports Committee (the Committee) ordered general practitioner Dr. Leon to complete a specified continuing education and remediation program (SCERP). The SCERP requires Dr. Leon to:

- successfully complete the next available session of the following two courses:
 - Understanding Boundaries and Managing Risks Inherent in the Doctor-Patient Relationship, offered by Western University, or an alternate course provider indicated by the College;
 - one-on-one communications coaching with a College-approved instructor;
- review the College Policies, *Confidentiality of Personal Health Information*, and *Maintaining Appropriate Boundaries and Preventing Sexual Abuse*, and relevant sections of *The Practice Guide*; and
- submit a written summary of the documents to the College, with reference to current standards of practice (where applicable), how it is applicable to Dr. Leon's situation, as well as how Dr. Leon has changed, or plans to change, his practice.

2. Introduction

A patient complained to the College that Dr. Leon made inappropriate and unprofessional comments of a sexual nature during an internal examination; made inappropriate, unprofessional, and flirtatious comments during another appointment; made inappropriate and unprofessional comments to a family member, thereby disclosing information that the patient had provided to Dr. Leon in confidence; inappropriately and unprofessionally failed to manage his prescribing of antidepressants and anxiety medication; and inappropriately and unprofessionally failed to manage a referral to a neurologist regarding a potential multiple sclerosis diagnosis.

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 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

Concern that Dr. Leon inappropriately and unprofessionally made comments of a sexual nature during an internal examination

Dr. Leon told the College that he has no recollection of the appointment in question, which occurred on a very busy clinic day. Dr. Leon acknowledged that he may ask a patient about relationship status to determine if they are sexually active, and on occasion, if rushed, he may ask system questions while performing a pelvic examination, but denied asking, "Are you dating anyone yet?"

In the Committee's view, it was insensitive of Dr. Leon to ask such a question (about dating/personal relationships and/or sexual activity) in the middle of a pelvic examination. It is important that physicians communicate with patients in a professional, sensitive and empathetic manner, and this includes considering not just how to frame questions but when to ask them. However, the question in and of itself was not unreasonable, rather it was when he asked it, but the Committee can see how this might have occurred in the context of a busy clinic day. The Committee further noted that the internal examination was medically indicated, and the patient did not raise concerns about the examination itself but rather about Dr. Leon's question.

Concern that Dr. Leon inappropriately and unprofessionally made flirtatious comments during another appointment

The patient alleged that Dr. Leon said, “You need to find yourself a good man to help take care of you and the kids.” Dr. Leon denies making this specific statement though acknowledges when counselling the patient for depression and past marriage troubles he would have tried to give her hope that she might find a better relationship in the future.

The Committee’s impression is that Dr. Leon may lack sensitivity in the way he communicates, and needs to consider how patients perceive his comments, particularly when given in the course of a therapeutic session.

Concern that Dr. Leon disclosed confidential information to a third party

Dr. Leon denies disclosing any personal or confidential information that the patient told him, and says that if he inadvertently did so, he apologizes. The Committee’s impression is that Dr. Leon could improve his communications, including with respect to providing individual or couples therapy. Also aside from education with respect to patient communications, the Committee will ask Dr. Leon to review the College’s policy with respect to confidentiality.

Concerns about Dr. Leon’s communications about management of medications

Again, the Committee cannot know exactly what Dr. Leon said to the patient with respect to her medication. While it is reasonable for a physician to ask a patient about medications that have worked for them previously, when trying to determine what might be most effective, a physician should consider how they communicate this message and how they are perceived by patients. As noted earlier, in the Committee’s view, Dr. Leon would benefit from education to improve his communications with patients.

Concern about Dr. Leon’s management of a neurology referral after concerning test results

The Committee cannot know exactly what Dr. Leon said to the patient, or the manner he used when discussing her test results and the need for a neurology referral. The Committee considered it reasonable to ask the patient if she wished to see a particular neurologist, in that

there are some patients who might have a particular specialist in mind. However, Dr. Leon acknowledges he could have handled the conversation in a more sensitive manner.

Again, the Committee felt that Dr. Leon needs to take steps to improve his communications with patients, to reflect on the issues here, and consider how he is perceived, and the Committee will require Dr. Leon to complete education to improve his communications and boundaries with patients.