

SUMMARY

DR. SIU H. WONG (CPSO# 102652)

1. Disposition

On August 3, 2016, the Inquiries, Complaints and Reports Committee (“the Committee”) required Dr. Wong (Family Medicine) to appear before a panel of the Committee to be cautioned with respect to professionalism, including:

- Transfer of records
- Confidentiality of personal health information
- Professional behaviour when leaving a practice, including adequate notice and impact on continuity of care
- Discrepancies in information provided to the College.

2. Introduction

The Complainant complained to the College about the manner in which Dr. Wong left a practice where she worked. The Complainant stated that Dr. Wong broke her contract with the practice by resigning with one day’s notice and that various problems arose with how Dr. Wong managed the removal and transfer of patient charts. The Complainant also complained that Dr. Wong failed to notify relevant agencies of her change in practice address (and that the former practice continued to receive her mail for some time), and continued to bill OHIP through the practice after she had left.

Dr. Wong responded that she intended to work at both her new practice and former practice for the four-month transitional period, in accordance with her contract with the former practice, but due to ensuing events and actions at the former practice she was not able to do so (her account of events following her notice of resignation differs from the Complainant’s). She acknowledged that she attended her former practice on a weekend with an individual who was not connected with that practice to remove her patient charts; she pointed out, however, that this individual had undergone confidentiality and privacy training. She stated that she did not believe that her former practice was entitled to access her patients’ health information, such as would be included

on her patient list, without her consent. Dr. Wong explained that she had changed her practice address and requested that relevant agencies send information to both her current and former addresses during the four-month transition period. She noted that once she completely transferred to her new location, she sent a letter to relevant parties instructing them to send information to that address only. She explained steps she took related to her OHIP billings (through the course of the investigation, the Complainant agreed that this aspect of the complaint had been resolved).

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 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 focused on physician professionalism and aspects of Dr. Wong's departure that may have had an impact on patient care. The Committee was concerned that Dr. Wong displayed a lack of professionalism in several regards:

- Her resignation letter did not correspond with the information she conveyed in her response to the College (i.e., that she intended to work at her former practice for four months during the transition to her new practice).
- There were several concerning aspects of Dr. Wong's approach to the transfer of patient charts:
 - Referencing the College's policy on *Confidentiality of Health Information*, the Committee was concerned that Dr. Wong retrieved patient charts from her former practice with an individual not connected with that practice.

- The Committee was of the view that Dr. Wong did not meet the expectations set out in the College's *Medical Records* policy, which encourages physicians to document record transfer arrangements in a written agreement.
- The Committee also noted that Dr. Wong admitted she removed a patient chart of a patient that was not hers (although she later returned it); the Committee was of the view that if Dr. Wong had followed the request of her former practice to use clinic staff to help with chart transfer, such errors may have been avoided. The Committee drew Dr. Wong's attention to the College policy on *Practice Management Considerations for Physicians Who Cease to Practise, Take an Extended Leave of Absence or Close Their Practice Due to Relocation*.
- The Committee noted a discrepancy in some of the information Dr. Wong provided to the College about the transfer of patient records.
- The Committee questioned Dr. Wong's professionalism in considering charging patients for the delivery of their files back to her former clinic (even though Dr. Wong confirmed, ultimately, that she never charged patients such a fee).
- While the parties provided different accounts related to Dr. Wong's notification of relevant agencies of her change in practice address, the Committee was concerned that Dr. Wong did not send a final notification until two months after she stopped working at her former practice. The Committee noted this delay could have impacted on patients' continuity of care.

The Committee was satisfied that the issues around OHIP billing had been resolved and took no action on this issue.

The Committee was concerned, overall, about Dr. Wong's professionalism and drew her attention to the College policy on *Physician Behaviour in the Professional Environment*. The Committee also expressed the view that Dr. Wong demonstrated limited insight into her behaviour in her statement in her response that, "After this incident, I will ensure prompt and documented communication with clinic owners." The Committee felt her comments were insufficient to address the multiplicity of issues that were raised.

Based on all its concerns, the Committee decided a caution in person was the most appropriate disposition in this matter. The Committee also asked Dr. Wong to review the various College policies set out above and to submit a written summary of what she learned.