

SUMMARY of the Decision of the Inquiries, Complaints and Reports Committee (the Committee)

(Information is available about the complaints process [here](#) and about the Committee [here](#))

Dr. Nicolaas Gert Francois Cloete (CPSO #78675) (the Respondent)

INTRODUCTION

The College received information raising concerns that the Respondent (Family Medicine) was providing care to a family member. Subsequently, the Committee approved the Registrar's appointment of investigators to conduct a broad review of the Respondent's practice.

COMMITTEE'S DECISION

A Family Practice Panel of the Committee considered this matter at its meeting of June 18, 2020. The Committee required the Respondent to attend at the College to be cautioned in person with respect to breaching the College policy, *Physician Treatment of Self, Family Members or Others Close to Them*, medical record-keeping in terms of documentation and management, inappropriate prescribing, and the manner in which he responded to questions from the College; and to complete a specified continuing remediation and education program (SCERP) consisting of the PROBE Canada Program, and a review and summary of the College policies, *Physician Treatment of Self, Family Members, or Others Close to Them* and *Medical Records Management*.

COMMITTEE'S ANALYSIS

The Committee was faced with conflicting information about a staff member's involvement in the creation of prescriptions for the Respondent's family member. However, regardless of whether the Respondent was responsible for all the prescriptions and referrals identified, he acknowledged writing several prescriptions for his family member, including prescriptions for narcotics and controlled substances. This was in clear contravention of the College's policy which states, "physicians must never prescribe or administer, for themselves, family members or others close to them, any of the following: narcotics, control drugs or substances, monitor drugs, marijuana for medical purposes, or drugs or substances that have potential to be addicting or habituating."

The Respondent advised the Committee that he wrote certain prescriptions for his family member in order to redirect the medication (a restricted drug) to a foreign physician doing missionary work in Haiti. The fact that the Respondent purportedly prescribed medication to his family member for the purposes of redirecting it for

another purpose was very concerning behavior, which the Respondent acknowledged as a “lapse in judgement”.

Overall, the Committee concluded that the Respondent needs to improve his understanding and consideration of the inherent risks of providing treatment to family members, including prescribing to family members. The Committee was also concerned by the fact that the family member’s primary physician was not aware of the narcotics that the Respondent prescribed to the family member, that there are no records regarding the prescriptions, and that the Respondent’s staff purportedly had access to his electronic medical record login and the ability to prescribe on his behalf. This indicated the need for the Respondent to improve not only the quality but also the security of his medical records.

The Committee was also troubled by the Respondent being less than forthcoming about his prescribing to his family member during the investigation. Physicians have an obligation to cooperate with the College, and they are expected to be forthright in responding to the questions and issues raised during an investigation.

The Committee noted that the Respondent has a significant history with the College, including a previous undertaking and a SCERP relating to his record-keeping and his prescribing.

In the circumstances, the Committee was of the opinion that it was appropriate to caution the Respondent and have him complete a SCERP, as outlined above.