

**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. Mahmud Kara (CPSO #59474)
(the Respondent)**

INTRODUCTION

The Respondent carried out a breast augmentation procedure on the Complainant in July 2019. The Complainant was dissatisfied with the results and a mastopexy and exchange of implants was planned for July 2020. On the day of the surgery, the Respondent recommended they instead proceed with the implant removal and replacement followed by a mastopexy in about four weeks. The Complainant expressed her desire to proceed with the planned surgery, which then went ahead.

Following the second surgery, the Complainant was again unhappy with the results and the Respondent proposed a third procedure. The Complainant chose to seek care from a different plastic surgeon.

The Complainant contacted the College of Physicians and Surgeons of Ontario (the College) to express concerns about the Respondent's care and conduct.

COMPLAINANT'S CONCERNS

The Complainant was concerned that the consultation and surgical services provided did not meet the standard of care and that the Respondent caused a worsening of pre-operative condition. Specifically:

- **The Respondent did not disclose available surgical options in relation to desired treatment outcomes. The Respondent performed a breast augmentation procedure only in 2019 which was not the correct procedure for identified pre-operative issues. The Respondent admitted his error in 2020 and offered a subsequent breast lift "free of charge".**
- **The 2020 breast lift results were extremely subpar with excessive scarring around nipples, varying nipple shapes/sizes/positions, breast tissue hanging off bottom of implant. The Respondent has acknowledged sub-par results from the breast lift procedure and is suggesting a third surgery to correct. She will not allow the Respondent to operate on her for a third time given the emotional and physical trauma that her existing involvement with the Respondent has caused, in addition to the poor judgement and lack of skill he has demonstrated to date. These issues require surgical revision with another surgeon at her cost.**
- **The Respondent's poor skill/technique has contributed to chronic pectoral, back, neck and shoulder pain beyond what is to be reasonably expected at the**

one-year mark with a breast augmentation/breast lift procedure.

- **The Respondent failed to admit that her case was beyond his expertise and skill from the outset.**

The Complainant is also concerned that the Respondent failed to adhere to best/standard surgical practices in the context of breast surgery, unethical behaviour during surgical proceedings and failed to adhere to patient privacy/confidentiality laws. Specifically:

- **The Respondent performed a breast augmentation only in 2019 with the knowledge that her identified pre-operative concerns could only be addressed by a breast lift.**
- **The Respondent utilized breast implants of varying sizes at the time of augmentation, this is not standard practice and cannot correct significant breast sagging and asymmetry. These implants required exchange for two implants of the same size at her cost to reflect standard practice.**
- **The Respondent attempted to alter the surgical plan five minutes before the 2020 implant exchange/breast lift procedure was scheduled to begin. She was pressured to sign a legal waiver presented to her in order to proceed with the predetermined and agreed upon surgical plan. She was heavily medicated and drowsy from pre-operative medications at the time of signing.**
- **Recurring failure to adhere to patient privacy laws witnessed at multiple appointments. Computer monitors in consultation rooms display day schedules with full patient names visible.**

The Complainant is also concerned that the damages she suffered include financial loss, emotional trauma and worsening of physical condition and chronic pain.

Specifically, the Respondent caused:

- **Significant financial loss in addition to the cost of upcoming revision surgeries). Additional costs incurred include extensive massage therapy paid out of pocket for temporary pain relief.**
- **Emotional damages.**
- **Functional impairment with limited use of arms and pectoral muscles, reduced ability to engage in physical exercise without pain, inability to sit upright for extended periods at work, inability to wear previously worn clothing due to visible breast deformity seen through clothing, difficulty remaining focused and present at work.**
- **Ongoing chronic physical pain following second surgery (in pectoral muscles, nerves in breasts, back, neck and shoulders) beyond what is to be expected with a breast augmentation/breast lift procedure.**

COMMITTEE'S DECISION

The Committee considered this matter at its meeting of May 8, 2023. The Committee required the Respondent to appear before a Panel of the Committee to be cautioned with respect to:

1. His failure to document discussions with patients regarding consent to treatment, planned operative management, the risks and benefits of the procedure, and the goals and expectations.
2. His failure to have appropriate discussions with patients regarding consent to treatment, ensuring the patient has sufficient information and time to make informed choices.
3. His failure to maintain confidentiality of patient information.

The Committee also decided to accept an undertaking that is now posted on the public register.

COMMITTEE'S ANALYSIS

Did not disclose available surgical options in relation to desired treatment outcomes and performed a procedure in 2019 which was not the correct procedure for identified pre-operative issues

- and -

Performed a breast augmentation only in 2019 knowing that the Complainant's identified pre-operative concerns could only be addressed by a breast lift

As part of this investigation, the Committee retained an independent Assessor who specializes in plastic surgery. The Assessor opined that while doing breast augmentation followed by a mastopexy is a reasonable management plan, just doing the breast augmentation was unlikely to address the Complainant's identified issues.

The Committee carefully reviewed the record to determine the appropriateness of the Respondent's care. The Committee faced difficulty in this regard due to the Respondent's failure to adequately document his pre-operative discussions with the Complainant regarding surgery selection or the specific risks and benefits of the planned procedure. The Committee decided to caution the Respondent in regard to his failure to document the consent discussion and to accept the undertaking.

Attempted to alter the surgical plan five minutes before the 2020 implant exchange/breast lift procedure

The Assessor expressed concern that the Respondent discussed performing a different procedure just prior to the procedure's commencement. Surgery of this nature should only proceed after informed consent is obtained. One of the requirements for informed consent is that it must be obtained in the absence of duress. Obtaining consent just before going to the operating room, when a patient knows that surgery has been scheduled and paid for and that there is a time constraint on deciding, constitutes duress. The Committee concurred with this view and decided to caution the Respondent in regard to this aspect of his care and to accept the undertaking.

Failed repeatedly to adhere to patient privacy laws as computer monitors in consultation rooms display day schedules with full patient names visible

The Complainant provided a picture of a computer screen which showed the Respondent's clinic's schedule for a week. The schedule identifies multiple patients by their first and last names as well as some information to indicate what procedures these patients are receiving. Based on the importance of protecting personal health information and the Respondent's or his staff's careless disregard for their patients' privacy, the Committee determined that it was appropriate to caution the Respondent in person with respect to this failure.

Caused chronic pectoral, back, neck and shoulder pain beyond what is to be expected by his poor skill and technique

- and -

Failed to admit that the Complainant's case was beyond his expertise and skill

- and -

Utilized breast implants of varying sizes at the time of augmentation which is not standard practice and cannot correct significant breast sagging and asymmetry

- and -

Caused emotional damages

- and -

Caused functional impairment

- and -

Caused ongoing chronic physical pain following second surgery

- and -

Performed a breast lift which resulted in subpar outcome requiring surgical revision at the Complainant's cost with another surgeon

- and -

Caused significant financial loss

The Committee took no action with respect to these areas of concern.