

## SUMMARY

### DR. JEFFREY RICE HOLMES MATHESON (CPSO# 63625)

#### 1. Disposition

On December 5, 2018, the Inquiries, Complaints and Reports Committee (the Committee) required general practitioner Dr. Matheson to appear before a panel of the Committee to be cautioned to abide by the College policy regarding *Complementary/Alternative Medicine* and the regulations under the *Medicine Act, 1991* regarding Conflicts of Interest.

#### 2. Introduction

The College received information raising concerns about Dr. Matheson, and in particular, that he encouraged a patient (the Patient) to purchase several supplements from his office at a cost of over \$300. The Committee subsequently approved the Registrar's appointment of investigators to conduct a broad review of Dr. Matheson's practice.

Dr. Matheson responded that he simply provided the Patient with a nutritional protocol with suggestions for complementary therapies that she could consider taking as an adjunct to her primary treatment. He advised that this was a modified form of the Headache and Migraine Integrative Protocol prepared by the Centre of Restorative Medicine (CRM). He explained that he does not work at CRM, which sub-lets space in the same building as his office. Dr. Matheson stated that the therapies he recommended are straightforward nutritional therapies regularly used to improve and maintain a healthy lifestyle, and that he did not "encourage" or otherwise compel the Patient to purchase the products. He further stated that while CRM sells the products, he simply informed the Patient that CRM stocked the products but that she was free to obtain the products from anywhere she chose, if she in fact chose to purchase them.

### **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](http://www.cpso.on.ca), under the heading "Policies & Publications."

### **4. Committee's Analysis**

The Committee noted that the Patient was happy with Dr. Matheson's care (which included nerve blocks and Botox injections) and did not support the concerns brought to the College by her family physician. In terms of the clinical care provided, the Committee was satisfied that Dr. Matheson performed appropriate assessments of the Patient and provided reasonable treatment (i.e. nerve blocks and other injections) which appeared to have a beneficial effect.

The Committee pointed out that while the family physician expressed concern about the vulnerability of the Patient, Dr. Matheson maintained that the Patient is bright, well-informed, and demonstrated no inability whatsoever to make decisions about her health care, and the Committee had no independent information suggesting that the Patient was not competent to make informed decisions about her health care.

The Committee stated that it was clear from the information before it that Dr. Matheson did not directly sell any complementary products to the Patient. It also stated that there was no information to suggest that Dr. Matheson pushed the Patient to purchase the recommended products, and no independent information suggesting that he informed the Patient that she should purchase the products from CRM rather than some other supplier. However, given the proximity of CRM, and the reference to CRM on the protocol Dr. Matheson provided to the Patient, the Committee indicated that it would expect him to be careful to clearly articulate that patients are under no obligation to purchase recommended complementary products from

CRM. The Committee noted that Dr. Matheson has now deleted CRM's details from the header and footer of the nutritional protocol that he provides to his patients, and the Committee expressed its opinion that this was important given the potential for confusion or misperception that was created by Dr. Matheson using documentation that referenced CRM. The Committee noted that deleting the reference to CRM from the protocol removed any impression that Dr. Matheson was (even inadvertently) endorsing the purchase of the recommended products from CRM and thereby influencing the patient's choice of where to purchase such products.

The Committee noted that while Dr. Matheson initially stated he did not receive any financial reimbursement if a patient buys products from CRM and did not have any business or financial interest in any of the complementary products listed on the protocol, he later reported that he owns 50 percent of the shares of a company that sells one of the products listed in the protocol. He maintained that he does not "wholly or substantially control or own the company", and that his interest in the company does not compromise his management of patients. However, he indicated that he would be removing reference to the product in issue from his protocol.

The Committee noted that it expects any physician providing complementary medicine to adhere to the principles and obligations set out in the policy on *Complementary/Alternative Medicine*, including obtaining a full history from patients to ensure that the complementary products prescribed/recommended will not cause potential negative interactions given the patient's concurrent conventional treatment, and ensuring that patients are provided with accurate and objective information about the available therapeutic options.

The Committee further noted that the above policy states that physicians are required to act in patients' best interests, to refrain from exploitation, and to comply with Conflict of Interest regulation under the *Medicine Act, 1991*.

The Committee expressed the opinion that it represents a conflict of interest (or at least the appearance of a conflict of interest) for a physician to specifically recommend a product to a

patient which is sold by a company in which the physician has a 50% interest (and on who's website the physician is clearly referenced as being closely affiliated with the company), particularly without having disclosed that interest to the patient.

The Committee noted that its concern in this case was heightened by the fact that Dr. Matheson was previously cautioned in 2015 about the potential for conflict of interest with respect to his sale of dietary supplements to patients.

In the circumstances, the Committee determined that it was most appropriate to require Dr. Matheson to attend for a caution, as set out above.