

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. Thomas Constantine (CPSO #108419) (the Respondent)

INTRODUCTION

The College received information from the Ministry of Health raising concerns about the Respondent's Ontario Health Insurance Plan (OHIP) billing practices. Subsequently, the Committee approved the Registrar's appointment of investigators to conduct a review of the Respondent's practice.

COMMITTEE'S DECISION

A Surgical Panel of the Committee considered this matter at its meeting of October 6, 2023. The Committee required the Respondent to appear before a Panel of the Committee to be cautioned with respect to decision-making concerning billing for uninsured and insured services and the appropriate use of public resources. The Respondent was also required to complete a written summary with respect to what he had learned from completing the learning modules on Assessment and Consultations, Special Visit Premiums, and Requirements for Time-based Services, the Canadian Medical Protective Association eLearning modules on recordkeeping, and the University of Toronto course on medical recordkeeping. In addition, the written summary had to address what the Respondent had learned about the appropriate use of public resources and how he would obtain clarity when he was unsure about whether to charge a fee for an uninsured service or bill OHIP for an insured service.

COMMITTEE'S ANALYSIS

The Committee had concerns about the Respondent's insight into his OHIP billing practices. The Committee accepted that the Respondent had changed his OHIP billing practices following the Ministry of Health's post-payment review, but the Committee was concerned about whether the Respondent had gained sufficient knowledge and insight into when to bill for OHIP insured services and what to do when he was unsure whether a service is OHIP-insured or uninsured.

The Committee highlighted the importance of physicians following the *Health Insurance Act* and the Schedule of Benefits so that funds are allocated appropriately in Ontario's publicly funded healthcare system. Based on the Respondent's submissions, it was not clear to the Committee that the Respondent appreciated the role of physicians in ensuring that public funds are in fact allocated as intended.

As a result, the Committee determined that it was appropriate to caution the Respondent and require a written summary, as outlined above.