

NOTICE OF PUBLICATION BAN

In the College of Physicians and Surgeons of Ontario and Dr. Suzanne Marie Beauchemin, this is notice that the Discipline Committee ordered that no person shall publish or broadcast the identity of any patients referred to orally or in the exhibits at the hearing, or anything that could disclose their identity, under subsection 45(3) of the Health Professions Procedural Code (the Code), which is Schedule 2 to the *Regulated Health Professions Act, 1991*, SO 1991, c. 18, as amended.

Subsection 93(1) of the Code, which is concerned with failure to comply with these orders, reads:

Every person who contravenes an order made under ... section 45 or 47... is guilty of an offence and on conviction is liable,

(a) in the case of an individual to a fine of not more than \$25,000 for a first offence and not more than \$50,000 for a second or subsequent offence; or

(b) in the case of a corporation to a fine of not more than \$50,000 for a first offence and not more than \$200,000 for a second or subsequent offence.

**DISCIPLINE COMMITTEE
COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO**

Citation: *College of Physicians and Surgeons of Ontario v. Beauchemin*, 2021 ONCPSD 30

Date: June 18, 2021

BETWEEN:

College of Physicians and Surgeons of Ontario

- and -

Dr. Suzanne Marie Beauchemin

FINDING AND PENALTY REASONS

Heard: May 25, 2021, by videoconference

Panel:

Mr. Pierre Giroux (chair)
Dr. Melinda Davie
Dr. Allan Kaplan
Dr. Roy Kirkpatrick
Mr. Peter Pielsticker

Appearances:

Ms. Emily Graham, for the College
Ms. Meghan O'Brien, for Dr. Suzanne Marie Beauchemin
Mr. Gideon Forrest, Independent Legal Counsel to the Discipline Committee

Introduction

- [1] Dr. Beauchemin, a general practitioner, failed to comply with a specified continuing education or remediation program (SCERP). The SCERP was ordered by the Inquiries, Complaints and Reports Committee (ICRC) in December 2017 as the disposition of a complaint regarding the doctor's failure to complete disability insurance forms despite several deadlines from the insurance company. In addition, Dr. Beauchemin failed to cooperate with the College investigation of a 2019 complaint from Patient A, did not comply with the College policy *Ending the Physician-Patient Relationship* and failed to maintain a complete and comprehensive chart for Patient A.
- [2] Dr. Beauchemin admitted the misconduct and the parties made a joint submission on penalty. At the conclusion of the hearing, we found Dr. Beauchemin committed professional misconduct. We ordered a public reprimand, a suspension of her certificate of registration until the later of five months or the date on which Dr. Beauchemin provides proof of completion of the 2017 SCERP, as well as terms, conditions and limitations on Dr. Beauchemin's certificate of registration and costs of \$6,000. These are the reasons for our decision.

Facts and Finding on Allegations

Failure to Comply with 2017 ICRC Order

- [3] In the 2017 ICRC decision, Dr. Beauchemin was ordered to attend for a caution, complete self-directed learning and courses, complete a comprehensive SCERP involving a four-month period of clinical supervision and maintain a log for chart transfers and form completion requests. She was also required to undergo a reassessment of her practice six months after completion of the supervision.
- [4] Dr. Beauchemin completed the self-directed learning and courses and programs portions of her SCERP.
- [5] After much delay, Dr. Beauchemin met with her College-approved clinical supervisor twice. The meetings were over a month apart rather than two weeks apart as ordered. The supervisor had some suggestions after the first and second meetings.

He noted in his reports that Dr. Beauchemin's patient management was excellent, and she was open to suggestions to improve her notes.

- [6] Dr. Beauchemin was to have three more meetings with her supervisor. She has not done so. The College followed up and Dr. Beauchemin assured the College she would complete the requirements. The ICRC granted her more time to complete the requirements for supervision. Dr. Beauchemin failed to complete them.

Patient A's Complaint

- [7] Patient A complained to the College about Dr. Beauchemin's failure to attend several scheduled appointments to review blood work, test results and assess Patient A's pain in March 2019.
- [8] Patient A attended Dr. Beauchemin's office twice. Dr. Beauchemin rescheduled the first appointment by telephone after the patient had waited more than two hours past her scheduled appointment time. At the second appointment, while Patient A was waiting to be seen, Dr. Beauchemin came to tell Patient A she was unable to see her as she had to leave to attend to other pressing issues. Patient A was frustrated and upset and sought care elsewhere.
- [9] Dr. Beauchemin's termination of her patient-physician relationship with Patient A did not comply with College policy.
- [10] During the investigation of Patient A's complaint, Dr. Beauchemin acknowledged receipt of the complaint but did not provide a response. The College requested Patient A's complete medical record. Dr. Beauchemin did not respond. Only after referral of the allegation of professional misconduct to the Discipline Committee did Dr. Beauchemin provide handwritten clinical notes and records she had maintained outside of the clinic chart to the College.

Admission

- [11] Dr. Beauchemin admitted the facts set out in the Agreed Statement of Facts and Admission (Liability), and admitted that, based on these facts, she engaged in professional misconduct.

Finding

- [12] We find that Dr. Beauchemin committed professional misconduct under paragraph 1(1)33 of Ontario Regulation 856/93 in that she engaged in an act or omission relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

Penalty

Submission on Penalty

- [13] Counsel for the College and counsel for Dr. Beauchemin made a joint submission as to an appropriate penalty and costs order. The proposed penalty included a reprimand, a suspension of the later of five months or completion of the 2017 SCERP and the imposition of terms, conditions and limitations on Dr. Beauchemin's certificate of registration. The parties also agreed that Dr. Beauchemin would pay \$6,000 in costs to the College.
- [14] Although we have discretion to accept or reject a joint submission on penalty, the law provides that we should not depart from a joint submission unless the proposed penalty would bring the administration of justice into disrepute or is otherwise not in the public interest. *R. v. Anthony-Cook*, 2016 SCC 43.

Evidence on Penalty

- [15] The parties presented an Agreed Statement of Facts (Penalty) outlining Dr. Beauchemin's history with the College. Dr. Beauchemin has no history with the Discipline Committee.
- [16] Dr. Beauchemin has a history with the ICRC. In 2006 the ICRC considered two separate complaints of a husband and wife regarding failure to transfer medical records in a timely fashion. The ICRC issued two cautions, which Dr. Beauchemin attended. Another complaint about Dr. Beauchemin's failure to transfer medical records resulted in another caution in person in 2007.
- [17] With no objection from the College, at the hearing Dr. Beauchemin gave a verbal apology on the record to the Committee. She expressed her acknowledgement that

Patient A deserved better. She acknowledged the College was more than fair with opportunities to complete her SCERP and provide patient information. Moreover, she acknowledged she failed in the past with patient record transfers. Dr. Beauchemin stated she is embarrassed, has no excuses and is now prepared to move forward.

Penalty Principles

- [18] An appropriate penalty must first and foremost protect the public. A penalty should denounce the misconduct and uphold the reputation of the profession while maintaining the public confidence in the College's ability to regulate the profession in the public interest. It should serve as a specific and general deterrent and, where applicable or appropriate, rehabilitate the member.
- [19] We are not bound by our previous decisions but, in general, like cases should be treated alike. A penalty imposed should be in keeping with previous decisions in similar cases and be proportionate to the nature of the misconduct and circumstances of the specific case.

Aggravating Factors

- [20] Aggravating factors are those that increase the seriousness or culpability for misconduct.
- [21] Dr. Beauchemin's misconduct is of a repeated and longstanding nature. She repeatedly and persistently failed to engage with her supervisor despite the very specific time requirements spelled out in the 2017 SCERP for five supervisor assessments over a four-month period. Dr. Beauchemin was sent numerous reminders and ICRC even granted an extension. Despite repeated promises to comply, Dr. Beauchemin did not.
- [22] In the Patient A complaint investigation, Dr. Beauchemin failed to respond to eight requests for the patient chart from her regulator. She finally complied with the request for the complete chart after ICRC referred the matter to the Discipline Committee.

[23] The College relies on timely cooperation of its members with its investigations and fulfillment of its orders to ensure protection of the public. The public expects physicians to comply with their regulator; such flagrant, persistent, multifaceted noncompliance suggests a possible developing ungovernability.

[24] The very misconduct that led to Patient A complaining to the College was of a repeated nature; Dr. Beauchemin cancelled appointments several times after promises to reschedule. In doing so she failed to fulfill her duty to her patient.

[25] Dr. Beauchemin has a significant history with the ICRC. She has received four cautions all concerning similar failures to fulfil the administrative obligations of her practice concerning patient chart transfers and insurance form completion.

Mitigating Factors

[26] Mitigating factors are factors that lessen the seriousness or culpability for misconduct.

[27] Dr. Beauchemin admitted her misconduct through the agreed statement of facts and admission. This saved witnesses from testifying and saved the College the time and expense of conducting a contested hearing.

[28] Dr. Beauchemin's admission along with her apology, displays a level of insight into her misconduct and some acceptance of responsibility. However, we note Dr. Beauchemin has offered numerous admissions and apologies in the past to investigators and the ICRC in the face of continued misconduct. Dr. Beauchemin has not explained either her circumstances at the time of the misconduct or any change in circumstances since the misconduct which would persuade us to place much weight on her apology.

[29] Counsel for Dr. Beauchemin submitted there is an underlying context to the misconduct that includes health issues. Genuine remorse or insight into the reasons for the misconduct such as stress, emotional problems, or mental or physical condition, might not excuse the misconduct but may explain the behaviour. However, counsel did not provide any support or evidence for this submission. Thus, we cannot consider this as a mitigating factor.

[30] We do note the two supervisor reports were positive and that Dr. Beauchemin completed the self-directed and course requirements of the SCERP.

Prior Cases

[31] Prior cases give the panel guidance with respect to the range of penalties in similar cases. Four cases, decided between 2014 and 2020, indicate a range of two to six months' suspension for similar misconduct.

[32] In *College of Physicians and Surgeons of Ontario v. Taniguchi*, 2019 ONCPSD 24, Dr. Taniguchi failed to comply with a SCERP. There was an agreed statement of facts, admission and joint submission on penalty. The Committee ordered a reprimand, two months' suspension and costs. Dr. Taniguchi had a separate undertaking with the College for supervision and reassessment. This case is distinguishable from the matter before us. Dr. Taniguchi had no previous history with the College, admitted he was overwhelmed in his practice and was able to change to a less stressful job.

[33] In *College of Physicians and Surgeons of Ontario v. Aziz*, 2014 ONCPSD 33, Dr. Aziz failed to maintain the standard of practice of the profession with respect to the management of two ER patients. In addition, he failed to cooperate with the College investigation. He entered into an undertaking with the College, but he failed to meet with his supervisor. The penalty was a three-month suspension, terms, conditions and limitations on Dr. Aziz's certificate of registration and costs. Again, we note Dr. Aziz had no previous history with the College, his failures were intermittent and he was under significant family stress.

[34] In *College of Physicians and Surgeons of Ontario v. Bailey*, 2019 ONCPSD 18 (finding), 2020 ONCPSD 4 (penalty), Dr. Bailey failed to comply with a SCERP, was unhelpful to the College investigation and the hearing on both liability and penalty was contested. The Committee ordered a reprimand, suspension until the later of four months or completion of the SCERP and costs. This case is similar to Dr. Beauchemin's but distinguishable in that Dr. Bailey did not have a history with the College and his transgressions were solely related to the compliance with his SCERP without any patient complaints or failure to cooperate with the investigation.

[35] In *College of Physicians and Surgeons of Ontario v. Tamari*, 2018 ONCPSD 43, Dr. Tamari was found to have committed professional misconduct involving 11 patients. His misconduct included failing to respond to patient requests to transfer medical records or provide third party reports after lengthy delays and misrepresenting to the hospital when renewing his privileges his status related to College complaints. Dr. Tamari was involved with the Physician Health Program and monitoring prior to the disciplinary proceeding. He had a significant prior history with the Discipline Committee as well. The Committee ordered a reprimand, a six-month suspension and directed terms, conditions and limitations on Dr. Tamari's certificate of registration regarding practice restriction to surgical assisting only and costs. This case is distinguishable from Dr. Beauchemin's as it involved more egregious and far reaching misconduct which consequently attracted a more serious sanction.

Conclusion

[36] We are satisfied that the proposed penalty is appropriate.

[37] A reprimand will serve to express to Dr. Beauchemin, the public and the profession the Committee's abhorrence of such pervasive disrespectful misconduct. Physicians must take College investigation requests and processes seriously and respond to them with respect. Patients deserve to have their records dealt with in a timely fashion whether that be having insurance or disability forms completed or records transferred. It is unacceptable not to respond.

[38] The suspension of at least five months will send a very clear message to Dr. Beauchemin that enough is enough. Her misconduct is of a similar nature to the conduct that prompted her previous cautions before the ICRC. Clearly Dr. Beauchemin needs a stronger sanction. The terms of the suspension leave some discretion up to Dr. Beauchemin, for if she chooses not to complete the 2017 SCERP in a timely fashion her suspension will stand until she does.

[39] The practice of medicine is a great privilege and with that privilege comes significant responsibility. Great patient care extends to the administrative work before and after patient encounters. Patients' overall health care depends on timely responses to queries from third parties. When the physician-patient relationship is terminated, the physician must follow College policy to ensure appropriate continuity of care.

[40] The penalty proposed by the parties contains significant terms, conditions and limitations to be placed on Dr. Beauchemin's certificate of registration. These will serve to protect the public from further transgressions. Dr. Beauchemin must look after her own health to be able to serve her patients. The requirement of mental health care for a significant period of time will assist Dr. Beauchemin in this regard.

[41] In addition, Dr. Beauchemin's practice will benefit from individualized education in time management and organization so that she fulfills her administrative responsibilities in a timely fashion. Maintaining, for an indefinite period of time, a log of all requests for chart transfers, all requests for completion of forms and all requests for medication refills made outside of a clinical appointment will ensure the College can monitor Dr. Beauchemin effectively and will ensure patients are fully served.

Costs

[42] Given the finding of misconduct against Dr. Beauchemin, we find this is a suitable case to award costs in the amount of \$6,000 which is the usual amount ordered for a half-day hearing.

Order on penalty

[43] On May 25, 2021, we ordered and directed:

- Dr. Beauchemin to attend before the panel to be reprimanded.
- The Registrar to suspend Dr. Beauchemin's certificate of registration from May 26, 2021 at 12:01 am until the later of:
 - a. five (5) months after May 26, 2021 at 12:01 am, or
 - b. the date on which Dr. Beauchemin provides proof of her completion of the outstanding meetings with a Clinical Supervisor in accordance with the Specified Continuing Education and Remediation Program directed by the Inquiries, Complaints and Reports Committee in its decision of December 14, 2017.

- The Registrar to place the following terms, conditions and limitations on Dr. Beauchemin's certificate of registration effective immediately:
- Dr. Beauchemin shall comply with the College Policy "[Closing a Medical Practice](#)";
 - a. Dr. Beauchemin shall comply with all outstanding requirements of the Specified Continuing Education and Remediation Program directed by the Inquiries, Complaints and Reports Committee in its decision of December 14, 2017, including the outstanding reassessment of her practice to occur approximately six (6) months after she resumes practice following the suspension of her certificate of registration;
 - b. Dr. Beauchemin shall successfully complete, at her own expense, individualized instruction in time management and organization with an education consultant approved by the College, and provide proof thereof to the College within six (6) months of the date of this Order;
 - c. Dr. Beauchemin will attend, at minimum, one (1) meeting per month with a psychiatrist who is acceptable to the College, for as long as the psychiatrist deems necessary, but for not less than a two (2) year period from the date of this Order. For a period of two (2) years from the date of this Order, Dr. Beauchemin's psychiatrist will provide monthly reports attesting to Dr. Beauchemin's attendance at these regularly scheduled meetings; and
 - d. Dr. Beauchemin shall maintain a Log of all requests for chart transfers, all requests for completion of forms and all requests for medication refills made outside of a clinical appointment for an indefinite period of time ("the Log"). The Log shall indicate when such requests were made and when they were fulfilled, and Dr. Beauchemin shall submit this Log to the College on a monthly basis. For greater clarity, Dr. Beauchemin shall maintain this log and submit it to the College including but not limited to during the time that her certificate of registration is suspended.

- Dr. Beauchemin to pay costs to the College in the amount of \$6,000 by no later than June 24, 2021.

Reprimand

[44] At the conclusion of the hearing, Dr. Beauchemin waived her right to an appeal under subsection 70(1) of the Code and we administered the public reprimand by videoconference.

In the matter of:

College of Physicians and Surgeons of Ontario

- and -

Suzanne Marie Beauchemin

Reprimand delivered in person by the Discipline Committee

on Tuesday, May 25, 2021, at 2:15 p.m.

*****Not an official transcript****

Dr. Beauchemin, in the agreed statement of facts on liability that was presented to the panel today, it was apparent that you had been involved with the College on issues of professionalism on multiple occasions over many years.

Additionally, you had failed to discharge your responsibilities to your patients by failing to keep appointments, with repeated failure to complete tasks in a timely fashion that was both deceitful and irresponsible.

You also failed to address your commitments to this College, which was both self-serving and disrespectful.

Over this period of time, you continued to disregard your regulator, who had made every effort to assist and accommodate you through what appeared to be a difficult period.

For all intents and purposes, it would not have been unreasonable for the College to believe that you might have been regarded as ungovernable.

The penalty imposed on you today to suspend your certificate of registration for a minimum of a five-month period clearly sends a message to both the profession and the public that such actions have severe consequences.

Furthermore, the terms and conditions and limitations imposed upon your certificate signals that the College will take the necessary steps to bring your practice in line with professional expectations in accordance with the public interest.

It is also significant that you have agreed to accept professional medical assistance to give you ongoing support for any challenges in your personal life which might impact your ability to fulfil your professional obligations.

This panel accepts your apology in the spirit in which it was given and trusts there will not be any further appearances before such a panel in the future.