

**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. Waldemar Jacek Kozerawski (CPSO# 51496)
(the Respondent)**

INTRODUCTION

The Complainant had a single online consultation with the Respondent to assess his suitability for medical marijuana. A third party charged the Complainant \$200 for arranging the consultation. 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 is concerned with the medical care and administrative conduct of the Respondent with respect to a medical marijuana consultation in 2016. Specifically, the Complainant is concerned that the Respondent:

- **made a dosing error on the Complainant's medical document (prescription) for medical marijuana;**
- **failed to respond to the Complainant's repeated requests for clarification of his prescription details and treatment plan; and**
- **participated in an administrative structure whereby insured patients are charged an uninsured services fee in order to access an insured medical service.**

COMMITTEE'S DECISION

A Family Practice Panel of the Committee considered this matter at its meeting of May 16, 2019. The Committee required the Respondent to attend at the College to be cautioned in person with respect to the inappropriate collection of monies from a third party for insured services, and incomplete medical records. The Committee also accepted an undertaking from the Respondent that included keeping a log of all prescriptions for cannabis, clinical supervision, education and a reassessment. Finally, the Committee issued advice to the Respondent to provide a process where the patient is able to discuss with the physician any concerns they may have with a treatment plan, and to ensure patient confidentiality is protected by using a secure connection when videoconferencing.

COMMITTEE'S ANALYSIS

Failing to respond to requests for clarification

- The Complainant tried to contact the Respondent directly to discuss his prescription, but was unable to reach him. The Complainant did connect with the patient coordinator, who directed the message back to the Respondent.
- The Committee was of the view that the method the Respondent used to answer the Complainant's question about dosing through a third party was inappropriate, as there was no availability for the Complainant to seek proper follow-up.
- The Committee was also concerned that the Respondent performed telemedicine using a videoconferencing system that did not protect patient confidentiality.
- The Committee therefore issued advice to the Respondent.

Charging patients a fee to access an insured medical service

- Any involvement in the provision of a medical document for medical marijuana, which is considered a prescription, and all discussions involving the use of this drug, are considered OHIP-insured services. As a result, the Committee was of the view that the Complainant was charged a fee to access an insured service.
- It also appeared, on its face, that the Respondent was directly accepting monies from a third party who charged patients a fee for OHIP-insured services. In addition, given that the Respondent failed to answer the questions put forth to him about this fee except in a very vague way that provided little clarity about the business model that he was a part of, there was no information before the Committee demonstrating that the Respondent was not paid a stipend by the third party.
- As a result, the Committee concluded that it was appropriate to accept an undertaking from the Respondent that included education on billing and medical ethics, as well as to caution the Respondent in person, as outlined above.

Medical record-keeping

- Upon reviewing the record, the Committee observed that the Respondent's notes were inadequate. The Committee therefore decided to accept an undertaking from the Respondent that included education to improve his medical record-keeping, as well as caution the Respondent in person, as outlined above.

The Committee took no further action regarding the dose of medical marijuana on the Complainant's medical document. In the Committee's view, the dose provided (2 g per day) was reasonable and in-line with the College's policy on marijuana for medical purposes.