

SUMMARY

Dr. Jordan Zacny (CPSO# 88712)

1. Dispositions

On April 4, 2017, the Inquiries, Complaints and Reports Committee (“the Committee”) ordered anesthetist Dr. Zacny to attend the College to be cautioned with respect to his clinical care and professionalism.

2. Introduction

The College received information from the Chief of Staff at the hospital where Dr. Zacny practises, raising concerns about Dr. Zacny’s involvement in the care of a patient (Ms. X). The Chief of Staff reported that the hospital had initiated an external review into Dr. Zacny’s practice, in which the reviewer looked at a number of patient charts and interviewed Dr. Zacny and other hospital staff.

In January 2016, the Committee approved the Registrar’s appointment of investigators under section 75(1)(a) of the Code to examine Dr. Zacny’s practice.

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 complaint. 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, under the heading “Policies & Publications.”

4. Committee’s Analysis

The hospital’s external reviewer found that Dr. Zacny failed to meet the standard of care in Ms. X’s case. Specifically, Dr. Zacny demonstrated multiple errors in judgement, was not forthcoming in acknowledging his errors, and misrepresented medical facts of the case which

eroded his collegial relationship with the staff. The reviewer stated that Dr. Zacny's failure to recognize significant difficulties in ventilation led to severe hypoxemia and hypercarbia finally contributing to a cardiac arrest. The reviewer found that Dr. Zacny's charting consistently exceeded expectations, and did not note any other clinical concerns. Dr. Zacny entered into an agreement with the hospital, which included supervision and course work, and incorporated the review's recommendations.

The Committee was troubled by the poor quality of Dr. Zacny's care in Ms. X's case. His failure to respond to a patient in the recovery room who was hypoventilating was difficult to understand. As noted by the reviewer, Dr. Zacny made numerous errors in clinical management in this case – he extubated a patient who was not fully reversed, repeatedly failed to recognize a patient in significant respiratory arrest with hypoxemia, failed to intervene at multiple points in a timely manner, chose to start a non-emergent case in the operating room before ensuring that the previous patient was stable in the PACU, failed to call for assistance, and inappropriately gave a sedative to a hypoxic patient. It is fortunate that the patient recovered, but the outcome could have been dire.

Dr. Zacny also demonstrated a high degree of unprofessionalism in his conduct in Ms. X's case. The reviewer noted that over the course of the hospital's internal and external reviews, it appears that Dr. Zacny changed and misrepresented the medical facts of the case, as evidenced by some of Dr. Zacny's written and verbal statements that are denied by other staff involved in Ms. X's care. The reviewer noted that this led to a significant erosion of trust between these caregivers and Dr. Zacny.

The Committee noted that Dr. Zacny has a history of previous issues with the College, including a previous verbal caution for conduct unbecoming a physician, which heightened the Committee's concerns regarding his unprofessionalism in Ms. X's case.

Given the extent of the lapse of judgment Dr. Zacny displayed in Ms. X's case and the severity of the outcome, as well as Dr. Zacny's failure to acknowledge the errors and the extent to which

he misrepresented the facts, the Committee concluded that it was appropriate to caution Dr. Zacny as noted above.

In addition to directing a caution, the College accepted an undertaking from Dr. Zacny (a voluntary, binding promise which the physician makes to the College, which is posted on the public register), in which he agreed to complete the terms of his agreement with the hospital, and to undergo a reassessment of his practice. The College will monitor Dr. Zacny's compliance with his undertaking, and any breaches may result in further action by the College.