

SUMMARY

DR. ROBERT MCKAY (CPSO# 54075)

1. Disposition

On April 18, 2018, the Inquiries, Complaints and Reports Committee (the Committee) ordered Dr. McKay (Family Medicine) to appear before a panel of the Committee to be cautioned with respect to his communications and professionalism. The Committee also ordered Dr. McKay to complete a specified continuing education and remediation program (SCERP). The SCERP requires Dr. McKay to:

- complete one-on-one instruction in professional communications, to be facilitated by the College;
- review the College's policy, *Physician Behaviour in the Professional Environment*, and provide a written summary of the document with reference to current standards of practice (where applicable), how it is applicable to Dr. McKay's situation, as well as how Dr. McKay has made – or plans to make – changes to his practice.

2. Introduction

The College received a complaint from a patient who had concerns about Dr. McKay's care and conduct. Specifically, the patient was concerned that Dr. McKay inappropriately managed several medical issues, and was unprofessional by swearing at him during their final office visit. The patient was also concerned that Dr. McKay quoted a fee of \$50 for a copy of his medical records after the patient left Dr. McKay's practice and found a new family physician.

Dr. McKay detailed the care he provided to the patient on each of the medical issues the patient raised in his letter of complaint. Dr. McKay acknowledged swearing several times during the patient's last office visit and apologized for his behaviour. He indicated that he has reviewed various College publications and has taken steps to engage in on-on-one counselling

with respect to communication. Dr. McKay noted that when he was advised of the patient's concerns about the charge for the record, he offered to provide a copy of his medical records at no charge.

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 Committee was satisfied that Dr. McKay adequately addressed each of the clinical concerns identified by the patient in his letter of complaint. He performed appropriate assessments and investigations as indicated, made proper referrals when warranted, formulated reasonable diagnoses and recommended appropriate treatments and management plans. However the Committee did share the patient's concern that Dr. McKay's office did not communicate with his new family physician regarding a follow-up visit with a respiratory therapist in relation to his ongoing breathing issues, and the appointment was cancelled. The Committee therefore advised Dr. McKay about ensuring that proper follow-up of testing occurs when a patient leaves his practice.

Regarding Dr. McKay's communications with the patient at their final visit, the Committee found Dr. McKay's to be concerning. Dr. McKay's explanation that he was not swearing "at" but "with" the patient did not in any way reduce the Committee's concern regarding his conduct, as the use of profanity in any respect during a professional interaction with a patient is wholly inappropriate. The Committee appreciated that Dr. McKay had shown insight, in expressing his apologies and taking some steps to try to improve his practice in this area. However, the

Committee noted that it is unacceptable and unprofessional to engage in the type of communications that he did. The Committee was of the view that Dr. McKay exhibited a troubling lapse in judgment, and behaved in a manner which made the patient very uncomfortable.

The Committee was of the view that it was appropriate to require Dr. McKay to attend for a caution and to complete the SCERP as set out above.