

## SUMMARY

### DR. ANDREW KUCHARUK (CPSO# 51004)

#### 1. Disposition

On January 18, 2018, the Inquiries, Complaints and Reports Committee (the Committee) ordered family physician Dr. Kuchtaruk to complete a specified continuing education and remediation program (SCERP). The SCERP requires Dr. Kuchtaruk to:

- Successfully complete the Medical Record Keeping course through the University of Toronto
- Engage in self-directed learning involving review and a written summary of the College's policy statement, *Medical Records* (#4-12)
- Undergo a reassessment of his practice by an assessor selected by the College approximately six months following completion of the program outlined above.

The Committee also issued advice to Dr. Kuchtaruk to be alert to signs of serious illnesses in patients with chronic, non-malignant conditions.

#### 2. Introduction

A patient complained to the College that Dr. Kuchtaruk failed to provide adequate care related to a lump that was later diagnosed as Stage 4 breast cancer, and failed to provide adequate care with respect to injuries suffered in a fall and symptoms of extreme fatigue. In addition, the patient had concerns that Dr. Kuchtaruk failed to document her complaints related to the lump, and also failed to provide records requested by the patient's lawyer.

Dr. Kuchtaruk responded that the patient did not present to him with any symptoms related to a lump in the armpit until June 2015, and subsequently he discussed treatment options and made appropriate referrals. He indicated that he provided appropriate care to the patient for a fall in July 2012. Dr. Kuchtaruk noted that the patient had complex medical conditions, some of

which cause fatigue, and there was no concerning information on imaging studies at the time of diagnosis. Dr. Kuchtaruk provided information to show that he did respond to the patient's lawyer's request for records in a timely manner.

### **3. Committee Process**

A Family Practice 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](http://www.cpso.on.ca), under the heading "Policies & Publications."

### **4. Committee's Analysis**

The Committee noted that:

- Although Dr. Kuchtaruk provided acceptable care to the patient for the fall she experienced, his charting was very sparse and did not reflect an appropriate level of detail.
- Although Dr. Kuchtaruk ordered an ultrasound, saw the patient several times after becoming aware of the lump in June 2015, and reported examining the patient's armpit lump at several visits, he made no note of any thorough physical examination of the lump (for example: size, texture, adhesion to overlying skin, presence or absence of any other masses).
- When diagnosed, the tumour proved to be extremely aggressive and already at Stage 4. Dr. Kuchtaruk should have been more pro-active in his management of the patient after June 2015, should also have been aware of the potential for a more sinister diagnosis and therefore should have monitored the patient more closely after June 2015.
- With respect the patient's complaint of fatigue, this could certainly have been related to her chronic medical conditions. Nevertheless, Dr. Kuchtaruk should have been alert to the possibility of a more serious condition.

- The lack of documentation meant the Committee could not determine what happened at certain points in the patient's care, and had no way of knowing whether Dr. Kuchtaruk failed to document the patient's concerns prior to June 2015, or whether in fact the patient did not raise these concerns to him.
- The Committee noted that Dr. Kuchtaruk complied with the request for records in a timely manner, contrary to the assertions in the complaint on this point.

Given its concerns about Dr. Kuchtaruk's documentation, the Committee issued the SCERP outlined above.