

SUMMARY

DR. OLANREWAJU DAVID OGUNMODEDE (CPSO# 58179)

1. Disposition

On September 15, 2016, the Inquiries, Complaints and Reports Committee (“the Committee”) ordered family physician Dr. Ogunmodede to complete a specified continuing education and remediation program (“SCERP”). The SCERP requires Dr. Ogunmodede to:

- Engage in self-directed learning to address identified educational needs in the CanMEDS “Professional” role (appropriate billing for insured services, prescribing medical marijuana, and telemedicine) by reviewing College policies on *Marijuana for Medical Purposes* and *Telemedicine*, and submitting written summaries of his review to the College.

2. Introduction

A patient’s family physician complained to the College that Dr. Ogunmodede requested a fee of \$175 from the patient in relation to a referral to him for prescribing medical marijuana.

Dr. Ogunmodede responded that a clinic refers patients to him for consultations to determine whether they are candidates for medical marijuana therapy. He explained that he conducts these consultations via telemedicine out of his private office, not at the referring clinic. He stated that he had no idea the clinic was requesting a \$175 fee from patients. He explained that his compensation is limited to the fee he bills OHIP for the consultation, and that neither the referring clinic nor any other party provide compensation to him for the consultations.

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, under the heading “Policies & Publications.”

4. Committee's Analysis

The Committee found that Dr. Ogunmodede's administrative conduct with respect to the complaint contravened College policies on telemedicine and medical marijuana. In particular, the Committee noted that College policy on telemedicine emphasizes that a physician's professional and legal obligations are unchanged from those in place when the physician is providing in-person medical care. In addition, policy on medical marijuana emphasizes that prescribing medical marijuana is the same as prescribing other drugs, and is therefore an insured service. That being the case, the fee for the insured service covers activities relating to prescriptions, including educating or informing the patient about the risks or benefits of dried marijuana. This means that the information and activities the referring clinic conducts prior to Dr. Ogunmodede's seeing the patient and providing a prescription are all related activities, for which no fee should be charged.

The Committee noted that, as a physician associated with the referring clinic, Dr. Ogunmodede is responsible for ensuring that staff comply with College policies. It is not an answer for Dr. Ogunmodede to assert that he was unaware of the clinic's actions in charging fees for activities related to prescribing marijuana. The only reason Dr. Ogunmodede was able to charge OHIP for the patient encounter was because of the clinic's referring the patient to him, yet he seems to suggest that he knows nothing about what the clinic does.

The Committee noted Dr. Ogunmodede's significant history of prior complaints to the College and, that, in addition to this matter, this panel of the Committee considered two other concurrent matters, one of which also identified issues related to Dr. Ogunmodede's prescribing of controlled substances. In that matter, the Committee decided that Dr. Ogunmodede would benefit from remediation to address various concerning aspects of his practice, and the Committee indicated that a SCERP disposition would also be appropriate in this case.