

## SUMMARY

### DR. RYAN DAVID YERMUS (CPSO# 86282)

#### 1. Disposition

On March 8, 2017, the Inquiries, Complaints and Reports Committee (“the Committee”) required family physician Dr. Yermus to appear before a panel of the Committee to be cautioned with respect to complying with the College’s policy on *Block Fees and Uninsured Services*, that is, not to bill patients for OHIP insured services, and to avoid conflicts of interest.

The Committee also directed staff to notify the General Manager of OHIP of its concerns with Dr. Yermus’s OHIP billings.

#### 2. Introduction

The College received information raising concerns about the administrative conduct of Dr. Yermus in that he had solicited payment from a licensed producer of medical marijuana, in order to verify a patient’s medical document. Subsequently, the Committee approved the Registrar’s appointment of investigators to conduct a review of Dr. Yermus’s practice.

Dr. Yermus responded that he does not believe that the solicitation of payment from licensed producers of medical marijuana violated any existing regulations or College policies, and that he also charged an annual uninsured service fee of \$200 to patients for enrolment in a Patient Safety Program.

In February 2015, Dr. Yermus discontinued charging these fees of his own volition. In June 2015, he transferred ownership of his medical marijuana clinic to a numbered corporation, and asserts that he no longer has any ownership interest in the clinic. He has not provided medical services at the clinic since August 2015.

### 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 investigation. 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 had concerns with several aspects of Dr. Yermus's medical marijuana practice.

First, the Committee was concerned that Dr. Yermus charged patients \$200 for a Patient Safety Monitoring Program. According to the Ministry of Health and Long Term Care (MOHLTC), OHIP payment criteria for physician services for medical marijuana are the same as for treatment with other medication. In other words, if a physician charges or receives payment for an insured service, it would violate the *Health Insurance Act* and the *Commitment to the Future of Medicare Act, 2004*. Verification of patient identity and confirmation of the prescription by the physician to the licensed producer of medical marijuana is an element of providing the prescription and is insured; similarly, an educational session, and monitoring program related to prescribing marijuana, would also be insured services. In the Committee's view, Dr. Yermus did not comply with the College's policy on *Block Fees and Uninsured Services* or the legislation noted above, by charging patients a block fee for services insured by OHIP.

Second, the Committee had concerns about Dr. Yermus's practice of billing licensed producers of medical marijuana to verify patients' medical documents, as this practice violates section 17 of the *Commitment to the Future of Medicare Act, 2004*, which prohibits a charge for preferred access to an insured service. In other words, Dr. Yermus cannot request licensed producers pay him so they have access to his service (verification of patient documents). The Committee was

also concerned that Dr. Yermus's practice of charging licensed producers to verify patient prescriptions placed him in a conflict of interest with his patients.

The *Marihuana for Medical Purposes Regulations* (MMPR), which came into effect in March 2014, addressed the issue of charging these fees directly as prior medical marijuana legislation had not specifically mentioned this issue. In July 2014, the College's Registrar sent a letter to all medical marijuana providers, including Dr. Yermus, to apprise them of the new legislation and their obligations under College policies, including the policy on *Block Fees and Uninsured Services*. The College policy, *Marijuana for Medical Purposes* (#1-15), released in March 2015 specifically noted:

...physicians must not charge patients or licensed producers of dried marijuana for completing the medical document, or for any activities associated with completing the medical document, including, but not limited to: assessing the patient; reviewing his/her chart; educating or informing the patient about the risks or benefits of dried marijuana; or confirming the validity of a prescription in accordance with the MMPR.

While Dr. Yermus should have been in compliance with the *Commitment to the Future of Medicare of Act*, which was in force since 2004, he also did not make any changes to his practice of charging licensed producers once the MMPR went into effect in March 2014, or after receiving the letter from the College Registrar in July 2014 apprising him of these changes.

Finally, the Committee had concerns with Dr. Yermus's OHIP billing and will direct such information to the General Manager of OHIP. According to OHIP, Dr. Yermus billed for services provided on 365 days in both 2014 and 2015, totalling \$1.65 million in 2014 and \$1.87 million in 2015. That is, he billed for every day of the year, two years in a row. In reviewing his OHIP billing, the Committee's impression was that Dr. Yermus was ordering "blanket" urine drug screening on patients to whom he prescribed marijuana, which was not indicated; prescribing marijuana is not like prescribing methadone, in other words, not all patients should submit to urine drug screening.