

SUMMARY

DR. MICHAEL FREDERICK HART (CPSO# 94570)

1. Disposition

On December 15, 2016, the Inquiries, Complaints and Reports Committee (the Committee) required general practitioner Dr. Hart to appear before a panel of the Committee to be cautioned with respect to making medical records available and accessible to patients (and providing copies in a timely manner), and on being available and receptive to patient concerns about access to medical charts. The Committee also advised Dr. Hart to provide sufficient notice of practice relocation in accordance with the College's policy on *Practice Management Considerations for Physicians Who Cease to Practise, Take an Extended Leave of Absence or Close Their Practice Due to Relocation*.

2. Introduction

Patient A complained to the College that Dr. Hart closed his medical practice without providing sufficient notice to his patients and/or without fulfilling his professional and ethical obligations, and failed to ensure that medical records were maintained in accordance with regulation and were available to his patients following his office closure.

The College sent four letters to Dr. Hart (between April 2015 and July 2016) seeking a response to Patient A's concerns and a copy of Patient A's medical file. When Dr. Hart eventually responded, his counsel indicated that Dr. Hart had not received any correspondence from the College related to this matter until September 2016. Dr. Hart stated that following his departure from the clinic, the office voicemail greeting included notification that he was no longer working at the clinic. He acknowledged that it would have been prudent for him personally to let his patients know that his association with the clinic was coming to an end. Dr. Hart also denied failing to ensure that medical records were available to his patients. He stated that he believed that the services being offered to Patient A would continue to be provided through the clinic.

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 was very concerned by Dr. Hart's lengthy delay in responding to the College's requests. The Committee noted that it is a physician's responsibility to ensure that the College has their up-to-date contact information and can reach them as necessary.

The Committee was concerned that Patient A did not have access to her medical records for approximately one and a half years. In the Committee's view, this showed a disregard for the well-being of patients and demonstrated a serious lack of insight by Dr. Hart with respect to how disruptive his actions were on patients' continuity of care.

The Committee was also troubled that Dr. Hart did not provide a reasonable explanation for failing to make Patient A's medical file available in the first place (i.e., without leaving Patient A with an appropriate method of contacting him or ensuring that an adequate record management protocol was in place to ensure that Patient A's records were readily producible). In the Committee's view, Dr. Hart's response suggested a lack of concern for, or perhaps understanding of, his ongoing duty to patients, even after the end of the doctor-patient relationship. The Committee's concerns regarding the production of Patient A's medical records were heightened by the fact that the Committee had previously dealt with a similar complaint regarding Dr. Hart.

The Committee was of the view that it was inadequate for Dr. Hart simply to rely on a voicemail greeting as a way to inform his patients of his departure. Again, the Committee's concern was heightened by the fact that this was the second complaint related to Dr. Hart's practice closure. The Committee provided advice in this regard.