

**SUMMARY of the Decision of the Inquiries, Complaints and Reports Committee
(the Committee)**
(Information is available about the complaints process [here](#) and about the Committee [here](#))

**Dr. Joseph Park (CPSO # 58816)
(the Respondent)**

INTRODUCTION

The Respondent is a specialist in anesthesiology and pain medicine. Following an investigation into the Respondent's practice, the Respondent signed a College undertaking on February 1, 2018, which restricted his clinical anesthesiology practice to:

- scheduled surgeries or unscheduled, non-emergent surgeries for patients classified as ASA [American Society of Anesthesiologists] 1, 2, or 3, in operating rooms at hospitals in which he has privileges, excluding:
 - urgent and emergent cases; and
 - cardiac, neuro-surgical, vascular and obstetric cases.
- Academic settings only.

The College received information raising concerns about the Respondent's compliance with the February 2018 undertaking to the College restricting the Respondent's anesthesia practice. Subsequently, the Committee approved the Registrar's appointment of investigators to conduct a review of the Respondent's practice.

COMMITTEE'S DECISION

A Surgical Panel of the Committee considered this matter at its meeting of November 18, 2022. The Committee required the Respondent to appear before a Panel of the Committee to be cautioned to abide by the terms of any undertaking with the College, and if seeking to expand practice outside those terms to contact the College to request a variance of the undertaking, and to report any changes in hospital privileges or any hospital restrictions to the College in a timely manner.

COMMITTEE'S ANALYSIS

After receiving a quarterly report in November 2021 from the hospital Chief of Anesthesia, the College became aware that the Respondent had seen a patient classified as ASA level 4 (that is a patient with severe systemic disease that is a constant threat to life). Subsequent information revealed that the Respondent breached his February 2018 undertaking to the College by providing anesthetic care to patients classified as ASA 4 and by providing anesthetic care in scheduled urgent cases.

The terms of the Respondent's undertaking were clear in that he was restricted to providing care to patients classified as ASA 1, 2, and 3, and could not provide care in

urgent or emergent cases. The Committee was troubled that this was not an isolated breach or only a handful of cases. Instead, the Respondent provided care to over a hundred patients classified as ASA 4 between March 2018 and November 2021.

Given the ongoing nature of the breach, the Committee had concerns about the Respondent's judgement and governability. The College requires and expects physicians to follow the terms, conditions and limitations placed on their licences in order to protect patients. The Committee notes that the obligations in the February 2018 undertaking were placed on the Respondent and were for him to follow, not his hospital colleagues. If the Respondent wished to expand his practice outside the terms of his 2018 undertaking, he should have contacted the College to request a variance of the undertaking.

Though the Respondent consulted the Chief of Anesthesia and apparently had support from anesthesia colleagues with these cases, this is not what is set out in the 2018 undertaking. If the Chief of Anesthesia had determined that the Respondent was able to take on ASA 4 patients under certain conditions, the Respondent should have contacted the College for consideration of a variance to his undertaking. The Committee notes that the Respondent has in the past failed to keep the College apprised of changes in his hospital privileges as well as hospital restrictions; he is expected to apprise the College of such changes in a timely manner.

Given the concerns identified in this investigation, the Committee determined that a caution is appropriate, to impress upon the Respondent the importance of abiding by the terms of any undertaking with the College; of reporting any changes in hospital privileges or any hospital restrictions to the College in a timely manner; and the steps he must take if he wishes to vary a College undertaking.