

**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. Diane Lorraine Simpson (CPSO #55358)  
(the Respondent)**

**INTRODUCTION**

The College received information from an insurance company raising concerns about Dr. Simpson's practice. Specifically, the insurer was concerned about claims made for compression stockings in which Dr. Simpson was named as the treating practitioner. All the claims submitted were from one clinic and the patients were all members of the same insurance plan. Subsequently, the Committee approved the Registrar's appointment of investigators to conduct an investigation into these claims.

**COMMITTEE'S DECISION**

A Prescribing Panel of the Committee considered this matter at its meeting of June 4, 2019. The Committee required Dr. Simpson to attend at the College to be cautioned in person with respect to abiding by the College's policy on *Delegation of Controlled Acts*. The Committee also accepted an undertaking from Dr. Simpson that included education regarding medical record-keeping, delegation, and ethics.

**COMMITTEE'S ANALYSIS**

As a result of this investigation, the Committee had concerns about the Respondent's medical record-keeping, delegation, professionalism and ethics, including in accepting payment for providing an OHIP-insured service (signing prescriptions).

Dr. Simpson pre-signed multiple prescriptions for compression stockings and did not see the patients; all claims originated from the same clinic with patients who were enrolled in the same health insurance plan, and Dr. Simpson was the treating physician. The insurance company questioned the authenticity of the prescriptions. The Clinic owner explained that the Respondent had delegated the act of assessing the patients.

Before a physician prescribes a treatment (in this case compression stockings), he/she is required to take an adequate history, document an adequate physical examination and assessment, and provide a rationale in the chart for treatment. None of this was done by Dr. Simpson.

In the Committee's view, the assessment of a patient, diagnosis and proposing of a treatment cannot be delegated. To the extent aspects of the patient care in this instance could be delegated, they were not delegated appropriately. Dr. Simpson did not have an existing

physician-patient relationship with the patients. Dr. Simpson pre-authorized a treatment for all patients without any knowledge of these patients. Delegation must only occur in the context of an existing physician-patient relationship, unless patient safety and best interests dictate otherwise, and neither exception was met in this instance. There were no medical orders or directives, nor was there appropriate medical record-keeping created for the assessments. There is also no indication there was informed patient consent.

In addition, Dr. Simpson received a stipend for pre-signing the prescriptions, even though this is considered an OHIP-insured service. Although Dr. Simpson was not charging the patients or OHIP, she was receiving payment for performing what would otherwise be an insured service for an insured person, contrary to the *Commitment to the Future of Medicare Act, 2004*.

The Committee is concerned that Dr. Simpson lacked insight into her contribution to this scheme, in which her pre-signing prescriptions for compression stockings allowed the Clinic and its patients to make claims to the insurer, and ultimately these claims meant the insurer paid a large sum of money to the Clinic.

Though Dr. Simpson does not have concerning prior College complaints or investigations, what happened in this instance represented a major lapse of professional judgement that justifies issuing a verbal caution. While the Committee cannot know if Dr. Simpson intentionally contributed to this scheme, or was instead very naïve by allowing her name to be misused in this manner, we were troubled in either case. Dr. Simpson should have been aware of why her name was required, and what she was authorizing.