

## SUMMARY

### DR. HING-TUNG TONY WU (CPSO# 30054)

#### 1. Disposition

On August 12, 2016, the Inquiries, Complaints and Reports Committee (“the Committee”) required general practitioner Dr. Wu to complete a specified continuing education and remediation program (“SCERP”).

The SCERP that was ordered requires Dr. Wu to:

- review the College’s policies on *Medical Records, Third Party Reports: Reports by Treating Physicians and Independent Medical Examiners*, and *Physician Behaviour in the Professional Environment*, as well as the College’s *Practice Guide* and the relevant section of the Canadian Medical Association Code of Ethics, and produce a written summary of the documents with a reference to how they are applicable to his situation and how plans to make changes to his practice (as well as how he plans to handle requests for records going forward and upon his retirement from practice);
- maintain a log book of all requests for chart transmissions, with an acknowledgment from the recipient confirming that the charts were received;
- participate in and comply with a recognized educational tracking program, with respect to his continuing professional development (CPD), and provide a certificate from a recognized body for the 2016 reporting year; and
- undergo a reassessment of the log book of chart requests.

#### 2. Introduction

A family member of one of Dr. Wu’s deceased patients complained to the College about Dr. Wu’s failure to complete necessary life insurance forms or respond to the insurer’s requests for medical records in a timely manner, thus delaying the processing of the patient’s life insurance claim for approximately 20 months.

The College's investigator sent numerous copies of the letter of complaint to Dr. Wu (over several months) before Dr. Wu provided the College with a written response. Dr. Wu indicated that he was not familiar with the College's policies, but that his office's usual practice is to respond to third party requests within 60 days. Dr. Wu acknowledged the delay in this case, stating that a family member, who assisted him with his office administration, had been ill.

### 3. Committee Process

A 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](http://www.cpso.on.ca), under the heading "Policies & Publications."

### 4. Committee's Analysis

The Committee was very troubled by the manner in which Dr. Wu handled the situation, not only in failing to respond adequately to the multiple requests from the insurer and the complainant, but also to the numerous communications from the College regarding the complaint. While sympathetic to Dr. Wu's administrative challenges, the Committee found that Dr. Wu's response was wholly inadequate.

The College's policy on *Third Party Reports: Reports by Treating Physicians and Independent Medical Examiners* provides that physicians are expected to complete and submit third party reports (including medical forms) within 60 days. In this case, Dr. Wu clearly failed to comply with this policy, and in fact, took considerably longer than the expected 60 days.

The College's policy on *Medical Records* also provides that patients have a right of access to their personal health information, and that the College expects physicians to grant patients access to their medical records.

The Committee found that Dr. Wu's prolonged delay in responding to the repeated requests for records was egregious, demonstrated a flagrant disregard for the complainant's need to settle the

patient's estate, and exhibited disrespect and indifference toward the medical profession's foundational values and policies.

The Committee also expressed concern that Dr. Wu failed to demonstrate any insight into the issues raised in this complaint or how he would handle things differently in the future.