

SUMMARY

DR. GABRIELA FRANKLIN (CPSO# 75966)

1. Disposition

On July 6, 2016, the Inquiries, Complaints and Reports Committee (“the Committee”) required family physician Dr. Franklin to appear before a panel of the Committee to be cautioned with respect to her interactions with a patient and with College staff, in both cases following a public complaint. The Committee also issued advice to Dr. Franklin regarding time management issues, maintaining professional/personal boundaries, and sensitivity in performing an uncomfortable pelvic examination.

2. Introduction

A patient complained to the College about aspects of Dr. Franklin’s medical care (generally, that she was dismissive of the patient’s health concerns) as well as her conduct (in particular, that the patient often had to wait longer than two hours, that Dr. Franklin took personal calls in front of the patient, and that she made inappropriate comments during a pelvic examination).

Dr. Franklin responded that she did not dismiss the patient’s concerns, and that the medical record confirms that she properly assessed, investigated, and referred the patient as necessary. She addressed the specific care issues that the patient raised in the complaint.

With respect to conduct issues, Dr. Franklin denied that wait times were longer than 45 minutes, denied that she takes personal calls in front of patients, and denied making insensitive comments to the patient during a pelvic examination.

During the course of investigating the patient’s complaint against Dr. Franklin, as noted above, College staff learned that Dr. Franklin telephoned the patient to discuss lodging the complaint with the College. The patient informed the College that they felt intimidated by this call. Dr. Franklin subsequently wrote to the College to express remorse for her behaviour in this regard.

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.cpsso.on.ca, under the heading "Policies & Publications."

4. Committee's Analysis

The Committee noted that there was a difference in understanding between the patient and Dr. Franklin about the nature of their doctor-patient relationship. The patient was under the impression that Dr. Franklin was their family physician while Dr. Franklin maintained (despite have seen the patient many times over two years) that the patient was not a rostered patient, but rather that she saw the patient for episodic care only, on a walk-in basis. While the Committee noted that Dr. Franklin should have clarified the physician-patient relationship, it found that, generally, Dr. Franklin's clinical care with respect to the patient was acceptable.

The Committee had more concern about the allegations with respect to Dr. Franklin's conduct. Although Dr. Franklin denied the patient's assertions with respect to wait times, telephone calls, and insensitive comments, among other things, the Committee was aware that Dr. Franklin had contacted the patient by telephone after learning of the complaint. The patient indicated that they felt intimidated by the call. The Committee took this conduct into consideration when assessing the patient's concerns about Dr. Franklin's alleged conduct in the office setting and for this reason issued advice.

With respect to Dr. Franklin contacting the patient regarding lodging a complaint, College staff telephoned Dr. Franklin to discuss her conduct towards the patient. During this telephone conversation, Dr. Franklin expressed anger and resentment at the College's role in regulating the medical profession; in general, her interaction with the investigator did not reflect appropriate, professional behaviour on the part of a physician.

The Committee felt that Dr. Franklin had not reflected on any errors in judgement she may have exhibited towards the patient and the College, and also did not seem to understand the College's role in investigating patient complaints, despite having been the subject of previous complaints.

Although Dr. Franklin subsequently wrote to the College and expressed remorse for her behaviour, the Committee felt that it was nevertheless important to meet with her in person to discuss her interactions with both patients and the College in the face of a public complaint.