

ONTARIO PHYSICIANS AND SURGEONS DISCIPLINE TRIBUNAL

Citation: *College of Physicians and Surgeons of Ontario v. Fenty*, 2026 ONPSDT 16

Date: April 29, 2026

Tribunal File No.: 25-003

BETWEEN:

College of Physicians and Surgeons of Ontario

College

- and -

Pauline Lois Fenty

Registrant

FINDING AND PENALTY REASONS

Heard: February 17, 2026

Panel:

Sherry Liang (panel chair)

Vincent Georgie (public)

Catherine Grenier (physician)

Paul Malette (public)

Deborah Robertson (physician)

Appearances:

Victoria Cistrone, for the College

Jennifer McKendry, for the registrant

RESTRICTION ON PUBLICATION

Pursuant to Rule 2.2.2 of the HPDT Rules of Procedure and ss. 45-47 of the Health Professions Procedural Code, no one shall publish or broadcast the names of patients or any information that could identify patients or disclose patients' personal health information or health records referred to at a hearing or in any documents filed with the Tribunal. There may be significant fines for breaching this restriction.

Introduction

[1] The registrant, Dr. Pauline Lois Fenty, is a family physician practising in the Greater Toronto Area. She failed to respond to a patient's repeated requests to complete insurance forms. She also did not respond to multiple requests from another patient to forward medical records to the patient's lawyer. When the College contacted her about these patients' complaints, she did not cooperate with its investigation.

[2] The College alleges that the registrant's actions amount to conduct that members of the profession would reasonably regard as disgraceful, dishonourable or unprofessional, and that she failed to respond appropriately or within a reasonable time to a written inquiry from the College, as required. At the hearing before us, the College and registrant submitted an agreed statement of facts in which the registrant admitted to the allegations. The parties made a joint submission on penalty and costs. The panel found that the registrant engaged in professional misconduct and accepted the parties' joint submission on penalty, consisting of a reprimand, a three-month suspension of her certificate of registration and specified educational and other requirements. We ordered the registrant to pay the College agreed costs of \$6,000.

Professional misconduct

[3] A patient (Patient A) complained to the College that the registrant had not, despite repeated requests over the course of about six months, completed insurance forms as requested. After the College notified the registrant of the complaint, she completed the forms.

[4] Patient B complained to the College that the registrant had not responded to multiple requests by the patient's lawyer, over a lengthy period, for the patient's medical records. Months after the College notified the registrant of the complaint, the registrant provided the records to the lawyer.

[5] Over the course of several months, the registrant failed to respond to numerous letters, emails, voicemails and calls from the College, including requests for the patients' medical records and the registrant's responses to the complaints. The College's Inquiries, Complaints and Reports Committee (ICRC) considered the two complaints and decided that it was prepared to accept an undertaking from the registrant, as well as a caution in person, to resolve the investigations. The registrant did not respond to the

investigator's repeated attempts to obtain her response to the proposed resolution, after which the ICRC referred the allegations to the Tribunal for a hearing.

[6] We find the registrant's delay in responding to her patient's requests to be conduct that members of the profession would reasonably regard as disgraceful, dishonourable or unprofessional within the meaning of para. 33 of s. 1(1) of Ontario Regulation 856/93 made under the *Medicine Act, 1991*, SO 1991, c. 30 (Professional Misconduct Regulation). Responding to such requests is an important aspect of the ongoing care of her patients (see *College of Physicians and Surgeons of Ontario v. Otto*, 2018 ONCPSD 46 at p. 10). The patients relied on her to fulfil her professional responsibilities in a timely way, in one case to complete insurance forms and in the other, to provide medical records to their lawyer. Her failure to respond to their repeated requests caused unnecessary anxiety and had the potential to affect their rights.

[7] The registrant's failure to cooperate with the College's investigation also amounts to a serious disregard for her professional obligations. Members of the profession are required to cooperate with the College in its investigations and to respond appropriately and within a reasonable time to its written inquiries. This is part of the responsibility of practising a regulated profession. The credibility of the medical profession, and the College as its regulator, depends on the College being able to investigate complaints or other issues of potential concern and to take appropriate action in a timely way. The registrant's conduct was disgraceful, dishonourable or unprofessional, and is also professional misconduct within the meaning of para. 30 of s. 1(1) of the Professional Misconduct Regulation.

Penalty and Costs

[8] The parties' agreement on penalty must be implemented unless it is so "unhinged from the circumstances" that implementing it would bring the administration of the College's professional discipline system into disrepute: see *R. v. Anthony-Cook*, 2016 SCC 43 and *Bradley v. Ontario College of Teachers*, 2021 ONSC 2303 (Div. Ct.). We are satisfied that the proposed penalty is not contrary to the public interest in this manner.

[9] The primary goal of a penalty order is protection of the public. We are satisfied that the proposed penalty meets this purpose. The suspension and reprimand serve as both specific and general deterrence. The terms, conditions and limitations imposed on the registrant's certificate of registration also help protect the public. Professional

education requirements and an assessment of the registrant's practice assist in remediation and, together with the logging and monitoring terms set out in the order at the end of these reasons, ensure that the registrant has the tools to return to practise in keeping with her professional obligations.

[10] We considered the mitigating and aggravating factors before us. By admitting to the misconduct, the registrant has shown insight and remorse and spared the parties and the Tribunal the time and expense of having a contested hearing. This is a factor that weighs in favour of a lesser penalty.

[11] However, the registrant has been the subject of two previous patient complaints about delays in providing medical records which were resolved by the ICRC. In the second of these, the registrant signed an undertaking that included professional education in medical records management, three months of clinical supervision, and a requirement that she keep a log of all third-party requests received during the period of clinical supervision. The fact that the registrant comes before this Tribunal with similar allegations against her increases the seriousness of the misconduct in that it demonstrates that she is aware of her professional obligations and still fell short in her adherence to them.

[12] The parties provided us with several decisions, all based on joint submissions, that demonstrate that this penalty is proportionate to the misconduct. In those cases, the Tribunal imposed suspensions of two to three months for misconduct arising out of failure to respond to requests by patients or their lawyers for their medical records, or failure to cooperate with a College investigation. While each case was based on its own unique facts, we conclude that the three-month suspension proposed is reasonably within the range of penalties for similar misconduct.

[13] Having regard to the relevant penalty principles as well as the caselaw, we are satisfied that the joint submission is not contrary to the public interest. The proposed penalty shows the public that the College takes seriously misconduct by its registrants and enhances public confidence in the College's ability to protect the public.

[14] We also accept the parties' joint costs submission of \$6,000 which is the tariff rate set out in the Rules of Procedure for a half-day hearing.

Order

[15] We made the following order:

Penalty

1. The Tribunal requires the registrant to appear before the panel to be reprimanded.
2. The Tribunal directs the Registrar to:
 - a. suspend the registrant's certificate of registration for three (3) months commencing February 18, 2026 at 12:01 a.m.
 - b. place the following terms, conditions and limitations on the registrant's certificate of registration effective immediately:

Professional Education

- i. The registrant will, at her own expense complete the following Professional Education ("Professional Education"):
 1. Participate in and successfully complete the PROBE Canada Program offered by the Centre for Personalized Education for Professionals, by receiving a passing evaluation or grade, without any condition or qualification. The registrant will abide by any recommendations of the PROBE program.
 2. Participate in and successfully complete individual instruction on ethics and professionalism, with an instructor approved by the College, totaling at least ten (10) hours, not including any research, writing or reading recommended by the instructor.
- ii. The registrant will complete the Professional Education within six (6) months of the date of this Order or, if it is not available within that timeframe, at the earliest available opportunity. The registrant will provide proof of their successful completion to the College, including proof of registration and attendance, and participant assessment reports, within one (1) month of completing the courses.

Log

- iii. The registrant will maintain a log of all requests for Third Party Reports and/or Medical Records (the "Third Party Report and Medical Record Request Log" or "Log") received by her and/or her office. The Log shall include patients' names and dates of birth, the types of requests received, the dates of the requests, the dates that the registrant completed the requests, and any additional relevant information about the requests. The Log shall be submitted to the College at any time upon request by the College. Each Monday morning, the registrant shall personally review the

Log to confirm that requests have been responded to in a timely manner, and if they have not then the registrant will personally arrange for the request to be completed by the end of the business day.

Assessment of Practice

- iv. Approximately six (6) months after the completion of the Professional Education, the registrant shall, at her own expense, undergo a reassessment of her practice (the "Reassessment") by a College-appointed assessor (the "Assessor(s)"). The Reassessment will include a review of the Log. The Reassessment will also include a chart review, and may include direct observation, an interview with the registrant, her colleagues and co-workers, feedback from patients and any other tools deemed necessary by the College. The Assessor(s) shall submit a written report on the results of the Reassessment to the College.
- v. The registrant shall cooperate fully with the Reassessment and with the Assessor(s).
- vi. The results of the Reassessment will be provided to the registrant and reported to the College and the Reassessment may form the basis of further action by the College.

Monitoring

- vii. The registrant shall inform the College of each and every location at which she practises or has privileges, including, but not limited to, any hospitals, clinics, offices, and any Independent Health Facilities and Out-of-Hospital Premises with which she is affiliated, in any jurisdiction (collectively my "Practice Location" or "Practice Locations"), within five (5) days of this Order. Going forward, the registrant shall inform the College of any and all new Practice Locations within five (5) days of commencing practice at that location.
- viii. The registrant shall submit to, and not interfere with, unannounced inspections of her Practice Locations and patient records by a College representative for the purposes of monitoring her compliance with the provisions of this Order.
- ix. The registrant will consent to the College providing any Chief(s) of Staff, or a colleague with similar responsibilities, at any Practice Location with any information the College has that led to this Order and/or any information arising from the monitoring of her compliance with this Order.
- x. The registrant shall consent to the sharing of information between the Assessor and the College, as any of them deem necessary or desirable.

- xi. The registrant shall consent to the College making appropriate enquiries of OHIP and/or any person(s) or institution(s) that may have relevant information, in order for the College to monitor her compliance with the provisions of this Order, and the registrant shall sign any consent required by the College to obtain such information from these person(s) or institution(s).
- xii. The registrant shall be solely responsible for any and all fees, costs, charges, expenses, etc. associated with implementing the terms of this Order.

Costs

- 3. The Tribunal requires the registrant to pay the College costs in the amount of \$6,000 by March 19, 2026.

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Registrant

**The Tribunal delivered the following Reprimand
by videoconference on Tuesday, February 17, 2026**

*****NOT AN OFFICIAL TRANSCRIPT*****

Dr. Fenty,

This panel has found you engaged in professional misconduct in two ways:

First, by repeatedly failing in your responsibility to provide medical records in a timely fashion. Medical records are not your personal property and your delays in responding to your patients' requests caused unnecessary anxiety for them and potentially compromised their rights.

Second, you failed to co-operate with the College when it was investigating your patients' complaints. Your repeated failure to respond to the College is not a mere administrative oversight; it shows a serious disregard for the College's authority. Self-regulation is a privilege, and its foundation is the duty of the member to be accountable to its regulator. Failure of members to respond to their regulator can erode public confidence in the system of professional self-regulation.

These actions are particularly concerning given your prior history. You have had two previous encounters with ICRC regarding these exact issues. You previously signed an undertaking – a solemn promise to your regulator and the public – to remediate these behaviours. By standing here today for the same misconduct, you have demonstrated that prior educational and remedial efforts were either ignored or dismissed.

This panel finds your misconduct to be serious. Your pattern of behaviour suggests a lack of insight and a disregard for the rules that govern this profession. Regulatory obligations are not optional. Persistent disregard and unwillingness to be governed by your regulatory body can result in even more severe sanctions than those we are imposing today. This panel is hopeful that you will use the duration of your suspension and the mandated training requirements to reflect deeply on your misconduct and the impact your actions have had on your patients and the integrity of the profession.