

## SUMMARY

### DR. SUNEEL UPADHYE (CPSO# 70441)

#### 1. Disposition

On August 15, 2017, the Inquiries, Complaints and Reports Committee (“the Committee”) required emergency medicine specialist Dr. Upadhye to appear before a panel of the Committee to be cautioned with respect to professional behaviour and communications.

The Committee also ordered Dr. Upadhye to complete a specified continuing education and remediation program (“SCERP”). The SCERP requires Dr. Upadhye to:

- engage in one-to-one coaching in communications, to be facilitated by the College
- engage in self-directed learning by reflecting on his use of social media and the unprofessional comments he made therein and by considering what he must do to avoid a similar situation in future. Specifically, Dr. Upadhye is to review a number of documents (listed below) and submit to the College a written summary of the documents reviewed and an essay on professionalism and social media use, particularly with respect to how the reviewed documents apply to this case, including the broader implications of making such comments in a public form. The documents Dr. Upadhye is to review are:
  - The College’s publication, “The Practice Guide: Medical Professionalism and College Policies, Principles of Practice and Duties of the Physician” (with particular attention to sections B and C)
  - The College’s Position Statement, “Social Media - Appropriate Use by Physicians”
  - The College’s Policy Statement #3-16, “Physician Behaviour in the Professional Environment”
  - The Canadian Medical Association’s Policy, “Social media and Canadian physicians: Issues and rules of engagement.”

## 2. Introduction

The College received information raising concerns about Dr. Upadhye's professionalism with respect to his communications through social media. In particular, on a Facebook site for Ontario physicians discussing negotiations of a tentative Professional Services Agreement ("PSA") between the Ontario Medical Association ("OMA") and the Ontario government, Dr. Upadhye referred to Ontario Minister of Health and Long-term Care, Dr. Eric Hoskins, as "Reichsminister Hoskins." Furthermore, when another user of the site requested that he stop using the term "Reichsminister," Dr. Upadhye replied: "When he [Minister Hoskins] stops acting like a dictator, and smearing colleagues with his lies, I might consider it..." Subsequently, the Committee approved the Registrar's appointment of investigators to investigate the matter.

Dr. Upadhye provided context for his remarks and background to the negotiations among Ontario physicians, the OMA, and the Ontario government related to the tentative PSA contract. He stated that at the time he made his comments, frustrations amongst physicians were high. He noted that:

- Much of his post involves perfectly appropriate questions, and there is nothing in the post specifically directed at Dr. Virginia Walley [the then-OMA president who reported Dr. Upadhye's comments to the College].
- In hindsight his description of Minister Hoskins as "Reichsminister" was unwarranted and inappropriate. He "accepts responsibility for this inaccurate label and will avoid any such characterization in the future."
- He has reviewed College publications on professionalism and social media use.

## 3. Committee Process

A General Panel of the Committee, consisting of public and physician members, met to review the relevant records and documents related to the investigation. 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 College noted that, in posting the above comments to the Facebook forum, Dr. Upadhye ignored expectations the College has of its members—outlined in several College publications—and which include upholding the reputation of the profession and communicating effectively and with respect, sensitivity, and compassion.

The Committee was concerned that Dr. Upadhye's response focussed on his own concern that the College was trying to rein in his ability to express his opinions. The Committee emphasized that the reason for its investigation stemmed from Dr. Upadhye's comment about Minister Hoskins, which was wholly inappropriate. The Committee recognized that Dr. Upadhye appeared to have been attempting a form of hyperbole in equating the Minister of Health with a German propaganda minister in World War II. Nevertheless, the Committee pointed out that it should be common knowledge among educated professionals such as Dr. Upadhye that this type of metaphor causes grave offense to many people and is not acceptable in a public forum. Moreover, the Committee noted that Dr. Upadhye's comment makes light of the atrocities committed by the Nazi regime, which is beneath the dignity of a physician and member of the College. The Committee stated that the fact that Dr. Hoskins is also a member of the medical profession exacerbated the damage to the reputation of physicians. The Committee also noted that Dr. Upadhye's comment alienated other users of the Facebook forum, people he was trying to sway to his viewpoint, yet he did not comply with a request to remove his comment.

Although Dr. Upadhye accepted responsibility for the comment he posted and said he would avoid any similar characterization in future, the Committee noted that he did not expressly apologize to Minister Hoskins, the College, or the profession, for his damaging remarks. The Committee questioned whether Dr. Upadhye had learned from this situation, despite his review of College publications.

Given the above, the Committee decided to both issue a caution to Dr. Upadhye and order a SCERP.