

SUMMARY

Dr. Anne-Marie Zajdlik (CPSO# 59378)

1. Disposition

On April 18, 2018, the Inquiries, Complaints and Reports Committee (the Committee) ordered Dr. Zajdlik to complete a specified continuing education and remediation program (SCERP). The SCERP requires Dr. Zajdlik to:

- Attend and successfully complete the next available PROBE: Ethics and Boundaries Education Program
- Successfully complete individual instruction on ethics, professionalism and communication

2. Introduction

The College received information raising concerns about Dr. Zajdlik's care and conduct and subsequently, the Committee approved the Registrar's appointment of investigators to conduct a broad review of Dr. Zajdlik's practice. Specifically, the concerns raised were that Dr. Zajdlik's practice is larger than she can manage, that she demonstrates disruptive, inconsiderate and abusive behaviours towards other physicians and shows poor judgment in sending threatening e-mails, that she "cherry picks" patients, that she provides patients with prescriptions without examining them first, that she may have provided treatment and written prescriptions to her children, that her documentation is poor, and that she has breached patient confidentiality.

3. Committee Process

As part of this investigation, the Registrar appointed a Medical Inspector (MI) to review a number of Dr. Zajdlik's patient charts and submit a written report.

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, under the heading "Policies & Publications."

4. Committee's Analysis

The MI noted the fact that three of the charts reviewed belonged to Dr. Dr. Zajdlik's children.

The Committee found that this violated the College's policy on treating one's family members. The policy, *Physician Treatment of Self, Family Members, or Others Close to Them*, sets out that physicians must only treat family members for minor conditions or in an emergency situation and then only when another qualified health care professional is not available to provide care. Even if no other physician was available at the time to attend to the children's medical needs, it seemed clear to the Committee that Dr. Zajdlik was actively involved in her children's care (e.g. issuing prescriptions, writing referrals, requesting consultations, ordering investigations), and did not just provide isolated care for only minor conditions or in emergency situations. Since Dr. Zajdlik stated that she understands the College's policy on treating family members, the Committee felt this reflected a disregard for the policy and was a serious error in judgment.

The originating information included e-mails which Dr. Zajdlik had sent to physician colleagues.

In the Committee's view, the tone of Dr. Zajdlik's e-mails is both bullying and threatening and demonstrated a lack of professionalism in communicating with colleagues on Dr. Zajdlik's part. Further, one of the charts the MI reviewed reflected unprofessional behaviour with a patient. Of further concern, is that this is not Dr. Zajdlik's first complaint regarding her professionalism. The Committee noted that it has already cautioned her in person for unprofessional behaviour.

The MI noted that some of the charts reviewed contained information regarding other patients.

In the Committee's view, the charts that the MI identified with other patients' information in them create a significant risk that patients' health information may be inappropriately shared, since the patients to whom the charts belong are entitled to access their medical records and, were they to do so, they would be privy to the personal health information of other patients. In the Committee's opinion, this reflected a significant lapse in judgment on Dr. Zajdlik's part.

The Committee has carefully considered the other concerns that were raised in this matter and they either were not a cause of significant concern or they were not supported by the record.

In light of the noted concerns regarding Dr. Zajdlik's conduct, the Committee determined that the appropriate disposition was to require her to complete the SCERP, as described above.