

SUMMARY

DR. BARRY ROBERT HOFFMAN CAYEN (CPSO# 79395)

1. Disposition

On August 22, 2018, the Inquiries, Complaints and Reports Committee (the Committee) required orthopaedic surgeon Dr. Cayen to appear before a panel of the Committee to be cautioned with respect to his failure to fulfil his professional responsibilities and to abide by the College policy, *Blood Borne Viruses* (#7-15).

2. Introduction

In May 2017, Dr. Cayen submitted his annual renewal survey and confirmed that he performs exposure-prone procedures and that he had been vaccinated against the Hepatitis B virus, but he had not had post-vaccination testing that confirms his immunity to the Hepatitis B virus and he had not had his blood tested for the Hepatitis B virus since April 1, 2016.

Subsequently, the Committee approved the Registrar's appointment of investigators to conduct an investigation of this matter.

College staff had some difficulties reaching Dr. Cayen over a period of six months. Dr. Cayen then did not have his serology testing completed until May 2018 (after the appointment of investigators in this matter).

Dr. Cayen apologized for his delayed response and said he appreciates the importance of complying with College policies. He indicated he was previously tested negative for HIV, Hepatitis B virus and Hepatitis C virus in 2015. Dr. Cayen said there was no substantive risk to patients at any time. In June 2018, the College received Dr. Cayen's test results, confirming his immunity to the Hepatitis B virus; Dr. Cayen supplied further test results in July 2018 (after a

challenge Hepatitis B vaccine), which he said demonstrate that no one's safety was affected by the delay in the testing.

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, under the heading "Policies & Publications."

4. Committee's Analysis

The College policy on *Blood Borne Viruses* states, in part: "Physicians who perform or assist in performing exposure prone procedures must be tested annually for HBV [Hepatitis B virus] unless the physician has been confirmed immune to HBV."

While acknowledging Dr. Cayen's apology and his appreciation of the importance of adhering to College policies, the Committee noted that patients expect that physicians will always consider their safety to be paramount. The Committee was concerned that Dr. Cayen failed to fulfill his professional responsibilities and he failed to comply with the College policy in having annual testing done. On this basis, the Committee decided to caution Dr. Cayen in this regard.