

**SUMMARY of the Decision of the Inquiries, Complaints and Reports Committee
(the Committee)**
(Information is available about the complaints process [here](#) and about the Committee [here](#))

Dr. Oleg Tugalev (CPSO# 78078)
Physical Medicine
(the Respondent)

INTRODUCTION

The College received information raising concerns about the Respondent's communications and conduct. Specifically, a patient reported that during an examination the Respondent touched her inappropriately on her back, and made inappropriate comments of a sexual nature (about women wearing bras and having no experience dressing women but lots of experiencing undressing them), as well as negative comments about female physicians. She said the whole experience left her feeling distressed and she will not return to see him.

Subsequently, the Committee approved the Registrar's appointment of investigators to conduct a broad review of the Respondent's practice.

COMMITTEE'S DECISION

A General Panel of the Committee considered this matter at its meeting of July 15, 2020. The Committee required the Respondent to attend at the College to be cautioned in person with respect to maintaining professional behaviour and communication and avoiding boundary crossings in the context of a physician-patient relationship and with colleagues.

The Respondent also provided an undertaking to the College, which included, among other things, that the Respondent: complete three months of clinical supervision; review and provide written reports on the College policies *Boundary Violations*, and *Physician Behaviour in the Professional Environment*, and complete individualized instruction in communication and professionalism satisfactory to the College, with an instructor selected by the College.

COMMITTEE'S ANALYSIS

As part of this investigation, the Registrar appointed an independent Assessor who specializes in physical medicine to review the patient chart, interview the Respondent, and submit a written report to the Committee.

The Assessor noted that the Respondent's physical examination, as described by the Respondent, would be standard and appropriate in evaluating a patient with hip and

buttocks pain. He also stated that tucking a t-shirt into a bra does not amount to falling below the standard of practice, in and of itself, as long as consent is first obtained.

The Committee accepted that the alleged touching in this case occurred during a clinically indicated examination where inadvertent touching may occur, and that it would be difficult to prove sexual intent for the touching (which the Respondent denied) at a Discipline Hearing. As for the alleged inappropriate comments, the Respondent denied making inappropriate comments or having an improper and/or sexual intent. He explained that he asked to tuck the patient's shirt into her bra to enable him to better perform the examination, with regard to dressing the comment was made when the patient asked for assistance with her clothing, and that when the patient asked him to refer her to a female chiropractor he told her he only knew of a male chiropractor.

The Committee acknowledged that the Respondent's version of events differs from the patient. However, it was apparent to the Committee that the visit and the Respondent's communications with the patient were ineffective and in fact distressing to her (even if unintended to be so). The Committee's concern about the quality of the Respondent's communications was heightened as it considered several investigations at the same time where similar concerns about the Respondent's communications and boundaries were raised. Also, upon reviewing the Respondent's personnel file from the Clinic where he was working, we noted that staff had raised concerns about the professionalism of his communications with them, including making comments with sexual overtones.

The Committee looked at the totality of the evidence before it and determined that this matter should not be referred to Discipline. The Committee concluded that the educational value of a verbal caution before the Committee in conjunction with extensive remediation as set out in the undertaking would sufficiently address its concerns with the Respondent's communications and boundaries.