

SUMMARY

DR. LINDA JUNE MCNALLY (CPSO# 78806)

1. Disposition

On May 3, 2017, the Inquiries, Complaints and Reports Committee (the Committee) required family physician Dr. McNally to appear before a panel of the Committee to be cautioned with respect to failing to follow proper steps for inserting a document into a patient's medical record and improperly filling out her annual renewal questionnaires in 2007 and 2008.

2. Introduction

The College received information raising concerns about Dr. McNally's conduct and, subsequently, the Committee approved the Registrar's appointment of investigators to further investigate this matter.

Dr. McNally responded that she completed a medical form with a member of her family before the family member's scheduled meeting with an Armed Forces physician. Dr. McNally indicated that her family member forgot to take the form to the meeting so she later sought to add the form to the family member's record as an addendum to the (same) form the family member completed with the Armed Forces physician.

Dr. McNally and her counsel maintained that she was not required to disclose a court martial sanction to the College on her annual renewal forms from 2007 and 2008, on the basis that she had not been disciplined by a licensing authority other than the College. Dr. McNally said she answered the annual renewal questions honestly and did not intend to not divulge this information.

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 complaint. 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

This investigation revealed that Dr. McNally attempted to insert a document directly into a family member's medical record. The Committee formed the view that Dr. McNally's actions were concerning. While Dr. McNally explained why she assisted the family member and indicated that she merely wished to include the form as an "addendum," asking a medical records clerk to include it directly into the family member's medical chart was problematic. The Committee noted that Dr. McNally should have been more direct in making the request. The Committee noted that the discharging physician did not have an opportunity to review the form and scrutinize its contents.

The Committee was also concerned that Dr. McNally improperly filled out her 2007 and 2008 annual renewal questionnaires, in that the information about her court martial findings should have been provided. While Dr. McNally responded that the College was aware of the court martial, the Committee notes that this does not change that she had been charged and found guilty of an offence through the court martial process, which should be reported on the College renewal forms, namely in regard to the questions "Have you been found guilty or are you charged with an offence in Canada or elsewhere relevant to your suitability to practice medicine?" and "Since June 1, 2003, have you been charged with any offence in Canada or elsewhere which you have not previously disclosed to the College? (Please include all offences under the Criminal Code of Canada, the Controlled Drugs and Substances Act, the Food and Drugs Act or the Health Insurance Act or related legislation in any province or jurisdiction. In addition, please include any other offences related to the practice of medicine.)."

In light of Dr. McNally's conduct in regard to the two issues outlined above, the Committee concluded that a verbal caution was warranted.