

SUMMARY

DR. MANIJEH BAKHSHI KAHNAMOU EI (CPSO #87594)

1. Disposition

On September 14, 2017, the Inquiries, Complaints and Reports Committee (the Committee) required family medicine specialist Dr. Bakhshi Kahn mouei (Dr. Bakhshi) to appear before a panel of the Committee to be cautioned with respect to inaccurate medical records and inappropriate billing.

The Committee also directed staff to notify the General Manager of OHIP of its concerns with Dr. Bakhshi's OHIP billing.

In addition, the Committee ordered Dr. Bakhshi to complete a specified continuing education and remediation program (SCERP). The SCERP requires Dr. Bakhshi to:

- Practice under the guidance of a Clinical Supervisor acceptable to the College for six (6) months to address her deficiency in medical record-keeping
- Undergo a reassessment of her practice by an assessor selected by the College approximately six (6) months following completion of the education program
- Engage in courses in medical record-keeping, including a course through the University of Toronto and two e-learning modules through the Canadian Medical Protective Association
- Engage in one-to-one instruction in communications and professionalism
- Engage in self-directed learning by reviewing and preparing written summaries for assessment by the Clinical Supervisor of the following College policies and publications: *Medical Records* (#4-12); *Ending the Physician-Patient Relationship* (#2-17); and *The Practice Guide*.

2. Introduction

The patient complained to the College about wait times in Dr. Bakhshi's office and that Dr. Bakhshi sold her an expensive skin care line and, when the patient returned to request a refund for the skin care products, threw the box of skin cream at her and refused to provide a refund. The patient also had concerns that Dr. Bakhshi mailed her a termination letter without discussing it with her first and refused to speak with her and directed a staff member to tell the patient to leave the office.

Dr. Bakhshi denied that patients wait longer than approximately 15 minutes to see her. She noted that only one of the products in the skin care kit the patient purchased had an expiry date of March 2017 and that the patient would have finished the product by that time if she used it as directed. She denied throwing the product at the patient and stated that she offered the patient a refund. Dr. Bakhshi indicated that she terminated the physician-patient relationship after the patient behaved in an aggressive manner toward her and threatened to complain to the College. She denied that she refused to speak to the patient or that she directed staff to tell the patient to leave the office.

In response to further inquiries from the College about repetition in her medical records, her OHIP billing and the acne skin care line she is selling to patients, Dr. Bakhshi explained that she used a form of shorthand when documenting normal vital signs rather than document the exact reading; she indicated that she has since changed this practice. Dr. Bakhshi explained that she bills OHIP based on the services she provides to patients at each visit. She stated that she paid approximately \$88 for the skin care kit and sold it to the patient at a cost of approximately \$200, which included a mark-up for counselling the patient on the use of the product.

3. Committee Process

A Family Practice 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

The Committee accepted Dr. Bakhshi's explanations for the occasional delay in her schedule and her statement that patients do not usually wait longer than 15 minutes to see her. The Committee stated that it expected Dr. Bakhshi to keep wait times in the office to a minimum.

The Committee could not determine on the basis of a documentary review whether Dr. Bakhshi threw the box of skin care products at the patient but stated that it expects physicians to behave in a professional manner at all times. The Committee noted that a member of Dr. Bakhshi's office staff indicated that Dr. Bakhshi provided the patient with a complete refund for the skin care product about one week after the patient requested it. The Committee took no action on this aspect of the complaint.

The Committee considered it reasonable that Dr. Bakhshi decided to terminate the patient from her practice but noted that Dr. Bakhshi did not indicate in the letter she sent to the patient her reasons for ending the relationship or that she would provide the patient with urgent care for a period of time. The Committee stated that it expected Dr. Bakhshi to review the College's policy, *Ending the Physician-Patient Relationship*.

The Committee was concerned about shortcomings in Dr. Bakhshi's medical records, including her use of shorthand in documenting the patient's vital signs. The Committee decided that Dr. Bakhshi's record-keeping warranted a caution in person and required improvement that could be best ensured through a SCERP.

The Committee was concerned that, by selling skin care products to patients at a significant profit, Dr. Bakhshi put herself in a conflict interest. The Committee was also concerned that Dr.

Bakhshi double-billed for counselling by charging the patient directly for this service and billing OHIP for services she provided during the encounter. The Committee decided that this issue warranted a verbal caution and also decided to inform the General Manager of OHIP of its concerns regarding Dr. Bakhshi's billing.

The Committee could not determine from the written record whether Dr. Bakhshi declined to speak with the patient in the office on one occasion and directed staff to tell the patient to leave the office; however, in light of the patient's concerns with Dr. Bakhshi's overall communication in this matter, the Committee decided to include instruction in communication and professionalism in the SCERP.