

**Indexed as: Ontario (College of Physicians and Surgeons of Ontario) v. Tjandrawidjaja.  
2018 ONCPSD 39**

**THE DISCIPLINE COMMITTEE OF THE COLLEGE  
OF PHYSICIANS AND SURGEONS OF ONTARIO**

**IN THE MATTER OF** a Hearing directed by  
the Inquiries, Complaints and Reports Committee of the College of Physicians and Surgeons of  
Ontario pursuant to Section 26(1) of the **Health Professions Procedural Code**  
being Schedule 2 of the *Regulated Health Professions Act, 1991*,  
S.O. 1991, c. 18, as amended.

**B E T W E E N:**

**THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO**

**- and -**

**DR. MICHAEL CLARENCE TJANDRAWIDJAJA**

**PANEL MEMBERS:**                    **MR. P. PIELSTICKER (CHAIR)**  
   **DR. M. GABEL**  
   **DR. P. HENDRY**  
   **MR. P. GIROUX**  
   **DR. M. DAVIE**

**COUNSEL FOR THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO:**

**MS R. AINSWORTH**

**COUNSEL FOR DR. TJANDRAWIDJAJA:**

**MS G. BURT**

**INDEPENDENT COUNSEL FOR THE DISCIPLINE COMMITTEE:**

**MS Z. LEVY**

**Hearing Date:**                    June 25, 2018  
**Decision Date:**                 June 25, 2018  
**Release of Written Reasons:**     August 1, 2018

## **DECISION AND REASONS FOR DECISION**

The Discipline Committee (the “Committee”) of the College of Physicians and Surgeons of Ontario heard this matter at Toronto on June 25, 2018. At the conclusion of the hearing, the Committee released a written order stating its finding that the member committed an act of professional misconduct, and setting out the Committee’s penalty and costs order with written reasons to follow.

### **THE ALLEGATIONS**

The Notice of Hearing alleged that Dr. Michael Clarence Tjandrawidjaja committed an act of professional misconduct:

1. under paragraph 1(1)33 of O. Reg. 856/93, in that he has engaged in an act or omission relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional; and
2. under paragraph 1(1)34 of Ontario Regulation 856/93, made under the Medicine Act, 1991 (“O. Reg. 856/93”), in that he has engaged in conduct unbecoming a physician.

### **RESPONSE TO THE ALLEGATION**

Dr. Tjandrawidjaja admitted to allegation 1 in the Notice of Hearing, that he has engaged in an act or omission relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional. The College withdrew allegation 2.

### **THE FACTS**

The following facts were set out in the Statement of Facts and Admission on Liability, which was filed as an exhibit at the hearing and presented to the Committee:

## **BACKGROUND**

1. Dr. Michael Clarence Tjandrawidjaja (“Dr. Tjandrawidjaja”) is a 40-year-old physician who currently practices as a cardiologist in Brampton, Ontario. He received his certificate of registration authorizing independent practice in Ontario in 2012.
2. At the time of the incidents described below, Dr. Tjandrawidjaja was a member of the Ontario Medical Association (“OMA”).
3. The OMA is the association that represents the political and economic interests of physicians in Ontario. It is the exclusive representative of Ontario physicians in negotiations with the Province of Ontario.
4. On July 11, 2016, the OMA and the Ontario government reached a tentative agreement dealing with government funding for physician services and changes to the physician fee schedule, among other issues. This tentative Physician Services Agreement (“tPSA”) was to have a term of four years, and would have replaced a previous agreement, which terminated in 2014.
5. The tPSA was endorsed by the OMA’s Board, including by Dr. Virginia Walley, who was President of the OMA at the time. The OMA promoted the agreement in the weeks leading up to a General Meeting, which took place on August 14, 2016.
6. On August 14, 2016, the OMA membership voted to reject the tPSA.

## **EMAILS OF JULY 31 AND AUGUST 8, 2016**

7. On July 30, 2016, OMA members received an email providing information regarding an upcoming vote to ratify the tPSA. The email encouraged members to vote in favour of the agreement. It was sent from an email address used by OMA staff to communicate publicly about the tPSA, and was signed by Dr. Walley.

8. On July 31, 2016, Dr. Tjandrawidjaja replied by sending the following email to Dr. Walley:

“You are a turd”

9. On August 8, 2016, Dr. Tjandrawidjaja sent the following email directly to Dr. Walley’s personal email address:

“Virginia,

How much are the liberals bribing you? It will likely come out at some point.”

The emails sent by Dr. Tjandrawidjaja are attached at Tab 1 [to the Agreed Statement of Facts and Admission on Liability].

10. The emails sent by Dr. Tjandrawidjaja were viewed by Dr. Walley as well as OMA staff who monitored the tPSA email address.

## **ADMISSION**

11. Dr. Tjandrawidjaja admits the facts set out above, and admits that the conduct described in paragraphs 8 and 9 constitutes an act of professional misconduct in that he engaged in conduct or an act or omission relevant to the practice of medicine that, having regard to all of the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional contrary to section 1(1)33 of O. Reg. 856/93 made under the *Medicine Act, 1991*.

## **FINDING**

The Committee accepted as true all of the facts set out in the Statements of Facts and Admission on Liability. Having regard to these facts, the Committee accepted Dr. Tjandrawidjaja’s

admission and found that he committed an act of professional misconduct, in that he has engaged in an act or omission relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

### **AGREED STATEMENT OF FACTS ON PENALTY**

The following Agreed Statement of Facts on Penalty was filed as an Exhibit at the hearing:

1. Dr. Tjandrawidjaja provided a response during the investigation. In his response, Dr. Tjandrawidjaja acknowledged the emails were inappropriate, stated he regretted sending them, and indicated he wished to apologize to Dr. Walley, among other things. Dr. Tjandrawidjaja's response is attached at Tab 1 [to the Agreed Statement of Facts on Penalty].
2. In November 2017, Dr. Tjandrawidjaja completed 4.5 hours of one-on-one Professional Communication coaching with Dawn Martin, Communications Specialist and Educational Consultant, to develop skills related to professional communication and collaboration with colleagues. Dr. Martin's report is attached at Tab 2 [to the Agreed Statement of Facts on Penalty].

### **PENALTY AND REASONS FOR PENALTY**

Counsel for the College and counsel for Dr. Tjandrawidjaja made a joint submission as to an appropriate penalty and costs order.

The Committee is aware that a joint submission on penalty must be accepted by the Committee, unless to do so would bring the administration of justice into disrepute, or is otherwise contrary to the public interest (*R. v Anthony-Cook*, 2016 SCC 43).

The Committee found that the jointly proposed penalty adequately addresses the penalty principles of specific deterrence of the member, general deterrence of the membership of the profession, public protection, maintenance of the public confidence in the integrity of the profession and the College's ability to regulate the profession in the public interest, as well as rehabilitation of the member.

The egregious and unacceptable communications by Dr Tjandrawidjaja to Dr. Walley, which were also received by staff at the Ontario Medical Association, undermine basic expectations of how professional interactions should occur. Counsel for the College introduced as evidence two College Policies that outline the expectations that the profession has of its members, which were ignored, or never read by Dr. Tjandrawidjaja. The College Policy "Physician Behaviour in the Professional Environment" states:

"Physicians are expected to act in a respectful, courteous and civil manner toward their patients, colleagues and others involved in the provision of health care."

It further states:

"Conversely, behaviour that is unprofessional and/or disruptive undermines medical professionalism and the trust of the public"

In addition:

"Literature shows that these behaviours can negatively impact both the delivery of quality health care, and patient safety and outcomes by eroding the effective communication and collaboration that underpin good medical practice."

The College Policy "Social Media - Appropriate use by Physicians" provides guidance for physicians as to how to maintain professional obligations in the use of the internet. In the use of this modality, which includes emails, physicians are expected to:

“maintain professional and respectful relationships with patients, colleagues and other members of the health care team.”

In addition, the following points are brought to the physicians’ attention:

“Assume all content on the internet is public and accessible to all”, and “Protect their own reputation, the reputation of the profession, and the public trust by not posting content that could be viewed as unprofessional.”

Physicians, by the very nature of their privileged position and the respect given to them by society, are expected to act in a way that not only justifies this privilege and respect, but also set an example of how to deal with controversial issues and the stress of daily life.

There is no question that the issues related to the tPSA being debated were controversial and there were multiple beliefs that were passionately held by members of the medical profession. There is no question that Dr. Walley and the OMA staff were executing their duties, and were politely and reasonably expressing what they saw as the best course of action, given the situation they were facing. To debase the debate by *ad hominem*, bullying, juvenile and utterly disrespectful comments, not only brings Dr. Tjandrawidjaja into disrepute, but negatively impacts the respect the society has for the entire profession. The Committee must condemn this behaviour, which cannot be countenanced by the medical profession or the public.

### **Aggravating Factor**

The Committee considered that the aggravating factor here, with respect to penalty, was the outrageous language of Dr. Tjandrawidjaja’s communications.

### **Mitigating Factors**

The Committee considered the following mitigating factors in this case:

- After being notified of the investigation into his conduct in this matter, Dr. Tjandrawidjaja acknowledged that the emails were inappropriate, he regretted sending them, and he wished to apologize to Dr. Walley.
- Dr. Tjandrawidjaja cooperated in the investigation, thereby sparing the witnesses from the inconvenience and stress of having to testify at the hearing, and also saving the time and cost of a contested hearing.
- Prior to the hearing, Dr. Tjandrawidjaja completed 4.5 hours of one-on-one Professional Communication coaching with a Communication Specialist acceptable to the College, in order to develop skills relating to professional communication and collaboration with colleagues. The Communication Specialist's report indicated that she was confident "he has the necessary awareness and skills to make sure this never happens again."

### **Case Law**

Counsel for the parties referred to previous cases, none of which, in the Committee's view, were directly relevant to the circumstances of Dr. Tjandrawidjaja's case. The Committee considered the previous cases put before it, but did not rely on them in determining the appropriateness of the proposed penalty and costs order as these cases did not deal with the same type of behaviour.

### **Conclusion**

The Committee concluded that the ordering of a public reprimand was appropriate to express the profession's and the public's rejection of Dr. Tjandrawidjaja's behaviour. A public reprimand and the posting on the public register of the Committee's finding and order serves as a specific deterrent to Dr. Tjandrawidjaja, and as a general deterrent to the profession. It also demonstrates to the public that such behaviour will not be tolerated by the medical profession.

### **Costs**

The Committee considered this to be an appropriate case in which to award costs to the College, and that the amount agreed upon by the parties is appropriate for this half-day hearing.

**ORDER**

The Committee stated its finding of professional misconduct in paragraph 1 of its written order of June 25, 2018. In that order, the Committee ordered and directed on the matter of penalty and costs that:

2. Dr. Tjandrawidjaja appear before the panel to be reprimanded.
3. Dr. Tjandrawidjaja pay to the College its costs of this proceeding in the amount of \$6,000 within thirty (30) days from the date of this Order.

At the conclusion of the hearing, Dr. Tjandrawidjaja waived his right to an appeal under subsection 70(1) of the Code and the Committee administered the public reprimand.

**TEXT of PUBLIC REPRIMAND**  
**Delivered June 25, 2018**  
**in the case of the**  
**COLLEGE OF PHYSICIANS and SURGEONS of ONTARIO**  
**and**  
**DR. MICHAEL CLARENCE TJANDRAWIDJAJA**

Dr. Tjandrawidjaja,

We are disheartened and disappointed to see you standing here today under these circumstances. It is vital that all members of the medical profession adhere to the highest standards: professionally, ethically and morally. By your actions you have failed, and therefore have disgraced yourself in the eyes of your colleagues and the public.

The College role is to protect the public and uphold the honour of the medical profession, but to do that it is imperative that the professionals, the doctors, maintain the highest standards at all times. You certainly have misunderstood how to discharge this responsibility by your actions.

We trust this is a lesson learned and that you will not appear before this Committee again.

*This is not an official transcript*