

Disciplinary report - Dr. A10

On December 3, 2009, the Council of the College of Physicians & Surgeons of Alberta found that Dr. A10 of Edmonton, Alberta, demonstrated unbecoming conduct in that:

1. He/she failed to respond to the College of Physicians & Surgeons of Alberta, despite repeated requests, regarding a complaint about the care provided to a patient. Particulars of the repeated requests included:
 - i. A letter dated October 17, 2008 from Ms. Sharon Barron, Manager of Complaints, informing the physician of the complaint and seeking a response in 30 days;
 - ii. A reminder letter dated November 17, 2008 from Ms. Sharon Barron allowing an additional 14 days to respond;
 - iii. A reminder letter dated December 8, 2008 from Dr. Karen Mazurek, Assistant Registrar, warning the physician of the consequences of not responding and seeking a response within seven days;



- iv. A telephone message left by Ms. Sharon Barron at Dr. A10's office on December 9, 2008;
- v. A telephone message left on Dr. A10's cellular telephone by Ms. Sharon Barron on December 10, 2008;
- vi. A follow-up letter dated December 17, 2008 from Dr. Karen Mazurek, sent by registered mail (this letter was returned to the College by Canada Post because the physician did not pick up the letter);
- vii. A follow-up letter dated February 4, 2009 from Dr. Karen Mazurek sent by courier.

The Council of the College of Physicians & Surgeons of Alberta ordered that:

- Dr. A10 receive a reprimand.
- Dr. A10 be assessed costs of the investigation and hearings in the amount of \$11,731.60, payable at a time to be determined by the Registrar.

The costs were paid.

Context and Commentary

The College is obligated by legislation to investigate complaints about its members. Our standard practice is to correspond with physicians in writing upon receipt of a complaint seeking a response. Reminders are sent at four and six week intervals. We recognize that physicians have significant demands on their time, and we routinely accommodate those who request additional time to prepare their response. It is rare, and with great regret on our part, that it becomes necessary to charge a physician with unbecoming conduct for failure to respond. This action is only taken when the physician leaves us with no other option.

In the case outlined above, we made many attempts beyond our routine process to engage this physician but all of our requests were ignored.

Under the *Medical Profession Act*, the Council can direct that the physician's name be published only if the physician is struck from the register, suspended or conditions are placed on the member. In the case of a reprimand, a physician's name can **not** be published.

On December 16, 2009, the College was proclaimed under the *Health Professions Act* (HPA). Under HPA, hearings are public unless there is a compelling reason to hold them in private; and when a physician is charged with unbecoming conduct for any reason, including failure to respond, the matter will become one of public record.