

PUBLICATION NOTICE UNDER S. 39.3 OF HEALTH PROFESSIONS ACT

DR. JERRY MACKENZIE

COMPLAINT: A former employee filed a complaint against Dr. MacKenzie alleging that he engaged in improper billing of the Medical Services Plan and unprofessional conduct by rating the appearance of his female patients in his charts.

DESCRIPTION OF ACTION TAKEN: Following an investigation, the Inquiry Committee passed a motion to seek a consent order under s. 33(6) of the *Health Professions Act* from Dr. MacKenzie. The terms of the consent order, which was signed on March 9, 2010, require the Registrant to undertake to: (a) refrain from repeating the conduct of rating the appearance or any other aspect of his female patients in his clinical records; (b) undertake not to repeat conduct of performing incomplete or inadequate eye examinations; (c) refrain from the conduct of submitting inaccurate billings to Medical Services Plan; (d) undertake not to repeat the conduct of completing inaccurate clinical records; (e) receive training to improve his professional record-keeping from a supervisor/mentor appointed by the Quality Assurance Committee, at his own cost, within nine months of the date of the order; (f) attend a course on professional responsibility and ethics to be approved by the Inquiry Committee, at his own cost, within nine months of the date of the order; (g) consent to a reprimand in relation to his unprofessional conduct in relation to rating female patients, failure to maintain proper clinical records, failure to conduct complete and competent eye examinations and his inaccurate billing. The Registrant has also consented to random and scheduled audits, at his cost, by inspectors appointed by the Inquiry Committee for the next two year period for the purposes of ensuring that he is conducting competent eye examinations, completing proper clinical records and submitting accurate billing records to MSP and to pay the sum of \$6,182.45 towards the College's investigation costs.

REASONS FOR THE ACTION TAKEN: The Inquiry Committee determined that the complaint was substantiated. Dr. MacKenzie acknowledged that he used a rating system to rate the appearance of some of his female patients. He denied the other allegations. The Inquiry Committee conducted a review of the Registrant's clinical records over a six month period. Those records revealed billing concerns and concerns with the adequacy of eye examinations being performed and the adequacy and accuracy of the Registrant's clinical records. The Inquiry Committee considered the Registrant's history of past action with the College and determined that this was an appropriate case to seek a consent order with comprehensive terms to protect public safety and to improve the Registrant's standards of practice.