

COLLEGE OF PHYSICIANS AND SURGEONS OF NOVA SCOTIA
SUMMARY OF DECISION OF INVESTIGATION COMMITTEE “D”

Dr. Ronen Jhirad

Investigation Committee “D” of the College of Physicians and Surgeons of Nova Scotia (the College) concluded its investigation into a complaint against Dr. Jhirad by Decision dated July 4, 2017. The Investigation Committee reached agreement with Dr. Jhirad with respect to the disposition of the complaint. A summary of the complaint and its disposition appears below.

PARTIES

Dr. Ronen Jhirad is a physician, licensed to practise medicine in the specialty of Vascular Surgery. Dr. Jhirad is currently not practicing medicine in Nova Scotia.

SUMMARY

Key points as reported by the Complainant

On April 6, 2016, the Medical Site Lead at Cape Breton Regional Hospital (CBRH) wrote to the College with concerns of a privacy breach of medical records belonging to Dr. Jhirad.

The Site Lead stated two inpatients from the CBRH Mental Health Unit rummaged through a dumpster belonging to the Health Park Complex on April 1, 2016. The two patients returned to the Mental Health Unit after retrieving a number of patient charts from the dumpster. These were duplicate charts and the originals remain intact.

The Health Park Complex is a private facility adjacent to the CBRH and includes some private physicians’ offices. Dr. Jhirad had closed and vacated his private office in the Health Park Complex, just prior to the events in question.

The charts were taken from the patients who had found them by nursing staff of the CBRH. The manager of the Health Park Complex was contacted to ensure the dumpster was secured. The Site Lead understood that several other charts were retrieved from the dumpster by the manager of Health Park Complex. Those charts are currently locked in a storage room within the Health Park Complex.

The Site Lead has the charts that the patients found in his possession. These and other records that were retrieved from the dumpster relate to patients of Dr. Ronen Jhirad.

The records contain patient progress notes and physician copies of ambulatory care notes. The charts contain patient names, addresses, health card numbers and dates of birth.

Based on this information, Dr. Gus Grant initiated a formal complaint for investigation.

Key points reported by the Respondent

In his response, Dr. Jhirad reports he discarded some of his own hand-written chart notes on Friday April 1, 2016. Dr. Jhirad admits this was not done in “a sufficiently secure fashion owing to perceived time and storage limitations” related to his move out of province. Dr. Jhirad states he had a service confidentially shred other documents but this seemed logistically prohibitive for the documents in question from April 1, 2016.

Dr. Jhirad states he hopes there was no misuse of patient information. He deeply regrets the “brief and limited violation of patient confidentiality”.

In further comment, Dr. Jhirad states he received correspondence from the Office of the Information and Privacy Commissioner for Nova Scotia (the "Privacy Commissioner") regarding the discarded patient records. Dr. Jhirad sent the Privacy Commissioner proof of destruction of the patient records, and it now considers the matter resolved and its investigation closed.

CONCERNS/ALLEGATIONS OF COMPLAINANT

Dr. Gus Grant alleges Dr. Jhirad improperly discarded patient charts upon closing his practice. This is a breach of patient confidentiality.

CONCERNS OF COMMITTEE

As with all complaints, the Investigation Committee is not limited to investigating only the concerns set out in the complaint. The Committee has the responsibility to look into all aspects of a physician’s conduct, capacity or fitness to practise medicine that arise in the course of the investigation.

In this instance, the Committee did not investigate any further matters aside from those listed in the original letter of complaint.

DISCUSSION

Upon review of the response letter, it appears to the Committee that Dr. Jhirad has failed to appreciate the gravity of his actions. He referred to the breach as “what appears to have been a brief and limited violation of patient confidentiality.” The Committee considers this breach to be of a very serious nature.

Following an interview with Dr. Jhirad, the Committee feels they have not been provided with any further information that would mitigate his actions.

During his interview, Dr. Jhirad indicated he was under duress when he discarded copies of patient materials in the dumpster. Dr. Jhirad is confident this error will not be repeated in the future. Dr. Jhirad assures the Committee all original patient records are stored appropriately, as per the retention schedule. The patient materials in question were duplicates and have now been destroyed.

Regardless of the outcome of the Privacy Commissioner's investigation, the Committee is not satisfied Dr. Jhirad initially disposed of the medical records appropriately, as they were left in a dumpster. Dr. Jhirad's breach is in violation of the College's Professional Standard Regarding Medical Records, and the College-endorsed Canadian Medical Association Code of Ethics (section 31).

The Committee did not review the Privacy Commissioner's investigation. The Committee did review an email from the Director of Investigations and Mediation to Dr. Jhirad, wherein it was indicated the Privacy Commissioner confirms the copies of patient materials have been destroyed and considers the matter resolved.

The Committee acknowledges the significant distress Dr. Jhirad was experiencing at the time he discarded copies of patient materials in the dumpster. The Committee does not feel these circumstances mitigate the seriousness of his actions.

DECISION

In accordance with clause 99(5)(f) of the regulations under the *Medical Act*, the Committee has determined there is sufficient evidence that, if proven, would constitute professional misconduct on the part of Dr. Jhirad, of such a kind as to warrant a licensing sanction.

Rather than refer the matter to a hearing, the Committee has determined that the matters can be resolved with the consent of Dr. Jhirad to the following:

Dr. Jhirad is ***Reprimanded*** for failing to properly dispose of confidential medical records on or about April 1, 2016 from the Health Park Complex in Sydney, Nova Scotia.

The Committee believes that the disposition outlined above reflects its concerns with respect to Dr. Jhirad's breach of patient confidentiality.

Dr. Jhirad also agrees to contribute an amount toward the College's costs in this matter.

Dr. Jhirad has agreed to accept this disposition.