

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

Dr. Eugene Ignacio
License Number 006894

Investigation Committee “D” of the College of Physicians and Surgeons of Nova Scotia (“the College”) concluded its investigation into a complaint against Dr. Eugene Ignacio by Decision dated February 27, 2018. The Investigation Committee reached agreement with Dr. Ignacio with respect to disposition of the complaint. A summary of the complaint and disposition appears below.

PROCESS

A letter from the Complainant regarding the workplace treatment of the Complainant’s colleague, a nurse, initiated this matter. The College received the complaint letter on April 13, 2017. A response from Dr. Ignacio was received May 31, 2017.

Investigation Committee “D”, formed in accordance with the *Medical Act* of Nova Scotia, 2011, was responsible for the investigation of this complaint.

In addition to correspondence from the complainant and respondent, the Committee considered all other documentation including a communication skills assessment report of Dr. Ignacio and an interview with Dr. Ignacio.

PARTIES

Dr. Eugene Ignacio is a family physician, licensed to practice medicine in Nova Scotia since 1985.

SUMMARY

Key points as reported by the Complainant

On March 23, 2017, Dr. Ignacio called the bed flow nurse to say he was sending in an admission. The only orders supplied were “angina” (the diagnosis). When the patient arrived in the Emergency Department, the Nurse called Dr. Ignacio to ask if she could have some orders. Dr. Ignacio replied “no.”

The Nurse then asked if the patient needed to see the emergency room physician on call. She indicated she had no orders and the patient did not bring any. Again Dr. Ignacio’s reply was “no.” The Nurse told Dr. Ignacio she was confused because she could not do anything for the patient without orders.

At that point Dr. Ignacio said, “Can you let me eat my God DAMN lunch”, and “stop bothering me.” He slammed the phone down in her ear.

One of the Nurse’s coworkers called the Complainant because the Nurse was upset and crying. The Complainant said he was notifying their directors about what happened, and would be filing a respectful workplace complaint against Dr. Ignacio.

Dr. Ignacio did come in later to write orders, make some other comments to staff, and offered a brief apology to the Nurse.

The Complainant did notify their organization about this event. Even though there was an attempt at an apology, the Complainant proceeded with the complaint due to the way Dr. Ignacio treated the staff member.

On March 30, 2017, the Complainant spoke with Dr. Ignacio. The Complainant informed Dr. Ignacio of his role and advised he would be making a Respectful Workplace complaint to the Human Resources team. Dr. Ignacio replied “good”, and hung up.

Approximately 25 minutes later, a staff member came running to the Complainant to report Dr. Ignacio was screaming at the Nurse. The Complainant found the Nurse curled up in her chair crying. Dr. Ignacio had come into the department and greeted another nurse. Dr. Ignacio then sought out the Nurse, pointed his finger in her face and screamed at her, “You’re a fuckin’ bitch why don’t ya report that one.” This was witnessed by three staff members.

The Complainant had to remove staff from the department to discuss the next process. The Complainant called Dr. Ignacio and informed him staff had advised him what just happened, and he would now be lodging a complaint with the College.

The Complainant also reported the incident to his Directors of Nursing, the Senior Director for Emergency Program Care for Nova Scotia, the Director of Human Resources, the Eastern Zone Executive Medical Director, and the Chief of Physicians for the area.

The Complainant hopes Dr. Ignacio is offered some training around professional communication and behaviour.

Key points reported by the Respondent

Dr. Ignacio is a general practitioner and has a busy office. He recently added an evening office session and a Saturday afternoon session in response to patient needs. This has resulted in a longer and more demanding workweek.

When these events occurred, Dr. Ignacio was also the site representative for the Health Authority and had an administrative responsibility for family practitioners working at Northside Hospital. As a group, they were experiencing the effects of shrinking resources coupled with increased patient demand. Some family doctors were opting out of the obligation to care for inpatients in

the hospital. Dr. Ignacio was advocating within the Health Authority in an effort to obtain greater physician coverage (which was not possible) and to amend the applicable rules so family physicians remained responsible for patients admitted to the hospital. This was achieved. The meetings and discussions regarding this topic were stressors at the time these events occurred.

Dr. Ignacio was also managing personal difficulties at the time.

The March 2017 incident stemmed from Dr. Ignacio's efforts to advocate on behalf of a patient with angina who was having difficulty getting proper support in the community. She was not being scheduled for further specialized investigation in Halifax in a timely manner. As a result, Dr. Ignacio elected to have her admitted to the Northside Hospital on a non-urgent basis so he could better advocate for her and manage her angina condition.

After asking the patient to present at the hospital ER, Dr. Ignacio received a call from a bed utilization official at the Regional Hospital who asked about orders for the patient. Dr. Ignacio indicated he would be writing orders to guide the care.

Sometime shortly after the first call, Dr. Ignacio received another call from the Regional Hospital bed utilization office asking about the patient. Dr. Ignacio indicated he was going to write orders covering the care. Shortly after the second call, en route home to lunch (approximately three minutes away), Dr. Ignacio received a call from his secretary indicating the bed utilization office was still looking for orders. Dr. Ignacio did not respond as he had told the two previous callers he would be writing orders to cover the patient's care.

While at home having his lunch, Dr. Ignacio received a call from the bed utilization clerk of the Emergency Department. The clerk asked about orders, and Dr. Ignacio indicated he would write orders when he returned to the hospital. He believed that since he was now talking to a bed utilization clerk in Northside, the message had been received.

The fifth call he received was from the Nurse, who asked for orders respecting the patient. Dr. Ignacio responded by saying he had already talked to bed utilization about this and was going to write orders when he returned. The Nurse again asked if he would provide orders, to which Dr. Ignacio admits responding, "Can I eat my Goddamn lunch." Dr. Ignacio knows the remark was inappropriate. He does not recall telling the Nurse to stop bothering him.

After lunch, Dr. Ignacio went into the department to write an order. He realized he had "blown my stack" with the Nurse so he went to explain she was the fifth person to call him. Dr. Ignacio asked the Nurse if she had been told he would be coming in to write orders and she said she had not. Dr. Ignacio apologized to the Nurse for his rude remark. She appeared to accept the apology by saying she understood he was "hangry." Dr. Ignacio felt the situation was resolved and he had properly recognized his breach of decorum and made a genuine effort to put the Nurse at ease.

Several days later, Dr. Ignacio was on 5E at the Northside General Hospital again working through lunch when the Complainant called and informed him he would be reporting the incident to HR, Respectful Workplace. Dr. Ignacio said, "good", hung up, and finished what he was doing.

Dr. Ignacio then went to the Emergency Department looking to discuss the matter with the Complainant directly. Dr. Ignacio was quite angry because something, which had apparently been resolved, was now being resurrected. Dr. Ignacio and the Complainant have had an uncomfortable relationship in the past. Dr. Ignacio felt a better approach would have been to discuss the situation with him directly rather than involve the hospital Human Resources process.

When Dr. Ignacio reached the Emergency Department, he did not find the Complainant but saw the Nurse sitting at the desk. In an unacceptable episode of loss of control, Dr. Ignacio admits to saying to the Nurse, “You fucking bitch, report this.” Dr. Ignacio immediately left the Emergency Department.

The Complainant left another message the next day for Dr. Ignacio, indicating a College complaint was being made and four nurse witnesses would be supporting it.

Dr. Ignacio immediately recognized the inappropriate nature of his initial irritated comment to the Nurse and went to apologize to her with apparent effect.

Dr. Ignacio admits he did not react appropriately to the events a week later when he had an angry response to the communication from the Complainant. He then took that anger out on the Nurse, who happened to be sitting at the desk when Dr. Ignacio went looking for the Complainant.

Dr. Ignacio has since reflected on his behaviour and retained a communication consultant to help him modify his behaviour in the workplace. With her help, they are developing a program that involves ongoing guidance and instruction regarding communication skills and anger management.

Dr. Ignacio has also written a letter to the Nurse apologizing to her directly for the words spoken to her in the Emergency Department.

Preliminary Investigation

Pursuant to Section 88 (1) of the *Medical Practitioners Regulations*, an Investigator was appointed to conduct a preliminary investigation of this complaint.

CONCERNS/ALLEGATIONS OF COMPLAINANT

The Complainant alleges:

- Dr. Ignacio behaved inappropriately towards the Nurse when he said to her, “can you let me eat my goddamn lunch”, and “stop bothering me”; and
- When the Complainant commenced a process to address the issue internally through Human Resources, Dr. Ignacio verbally attacked the Nurse in the workplace in response to the news a respectful workplace complaint had been filed.

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 matter, after reviewing all available information, the Committee identified the following additional concerns arising from the investigation of this complaint:

- Dr. Ignacio's has exhibited a pattern of disruptive behaviour; and
- Dr. Ignacio appears to have minimized his behavior in relation to this incident.

DISCUSSION

The Committee would like to thank the Complainant for bringing his concern forward to the College.

The Committee interviewed Dr. Ignacio on September 19, 2017. Dr. Ignacio indicated he is aware of his responsibility as a physician to maintain appropriate demeanor in his interactions with others. Dr. Ignacio acknowledged he failed to uphold this responsibility on the day he communicated with the Nurse and the Complainant.

"I want the College to know that I am aware that my inappropriate behaviour reflected badly on me as a physician. I was asked to resign my position as site representative for the Health Authority following these events, which I did. This has also been difficult for me personally as I recognize my failure to maintain professionalism and civility does not help me in providing the best care to my patients. Ultimately, patient care is my job and I know that I have to find a permanent solution to my challenge in maintaining my composure in the face of whatever circumstances arise."

Dr. Ignacio indicated to the Committee that he was embarrassed to discuss these events. He is not proud of how he has managed some situations in the past and takes the concern seriously.

Dr. Ignacio commented on a past complaint with the College in 2009 where he had become angry with a patient. Dr. Ignacio was Cautioned to maintain professional decorum despite personal or professional stressors, and to be cognizant of how those stressors can affect his practice. At the time, Dr. Ignacio was also reminded it was important he take appropriate remedial steps to ensure stressors do not affect patient care.

The Committee notes Dr. Ignacio did not seek help after the 2009 complaint. Dr. Ignacio indicated he thought he could manage stress on his own. He learned to suppress his anger, and grit his teeth to prevent him from acting the same way. This worked for about nine years until the current complaint. He has since learned it has not been effective to try to suppress his anger.

In coming to its decision, the Committee turned its mind to mitigating and aggravating factors. The objectives of sanctioning the Committee considered were:

- Public protection;
- The need to promote specific and general deterrence;
- The need to maintain the public's confidence in the medical profession; and
- The degree to which the offensive conduct was regarded as the type of conduct that would fall outside the permitted range of conduct.

The Committee notes Dr. Ignacio has also formally apologized to the Complainant and the Nurse following the incident.

The Committee acknowledges Dr. Ignacio was cooperative throughout this investigation. He participated in an assessment and an interview. Dr. Ignacio has also accepted responsibility for the events and deeply reflected on what he has done. When the complaint was initiated with the College, Dr. Ignacio proactively sought professional help in addressing communication issues in the workplace, and his emotions. He is now developing skills and tools to deal with situations that lead him to frustration. He recognizes the triggers and is learning ways to deal with frustration without losing his temper. Dr. Ignacio plans to continue these learning sessions for the next six months.

The Committee acknowledges Dr. Ignacio indicated there were personal circumstances in his life that contributed to his actions in the Emergency Department. He was also asked to resign his position as site representative for the Health Authority following the events. He complied. His counsel advised Dr. Ignacio reviewed the *Professional Standard Regarding Disruptive Behaviour by Physicians*.

However, the Committee remains concerned the language used in speaking with the Nurse in both instances was aggressive and demeaning.

The impact on the Nurse was significant. The Complainant found her crying in the Emergency Department. A nurse, especially one new to the profession, should never be brought to tears due to the behaviour exhibited and language used by a colleague, in this case a physician. The Committee notes the power imbalance inherent in the physician/nurse relationship in this setting and finds this to be aggravating factor.

Dr. Ignacio is an experienced physician, and in the circumstances, he should have exercised care and control.

Dr. Ignacio subjected the Nurse to his anger on two occasions, once when he yelled at her over the phone, and on a second occasion when he verbally attacked her in the Emergency Department.

Dr. Ignacio's outburst in the Emergency Department was unprofessional, happened in a public setting, and could have negatively affected the public's confidence in the medical profession.

It appears to the Committee there is a pattern of behavior developing with respect to Dr. Ignacio's anger management. This is evident from Dr. Ignacio's expression of anger towards a patient in 2009 and his current complaint regarding interactions with staff in the Emergency Department. The Committee notes Dr. Ignacio's pattern of reacting in anger appears to occur when colleagues and patients challenge Dr. Ignacio's identity/authority. It is unfortunate as the Nurse was only attempting to do her job effectively and was providing good patient care in phoning Dr. Ignacio and requesting orders.

The language Dr. Ignacio used in communicating with the Nurse, and the manner in which he addressed her in a public setting, is entirely unacceptable and unprofessional.

Dr. Ignacio breached the College's *Professional Standard Regarding Disruptive Behaviour by Physicians*. The Standard's definition of disruptive behavior is as follows:

“Disruptive behavior occurs when the use of inappropriate words, actions or inactions by physicians interferes with their ability to function well with others to the extent that the behavior interferes with, or is likely to interfere with, health care delivery.”

The Committee does not accept that Dr. Ignacio's apology to the Complainant and the Nurse is indicative he has learned to effectively manage his anger following the encounters with them. The Committee is concerned Dr. Ignacio's apology is an attempt to minimize the effect his aggressive behaviour has on others.

Physicians are expected to behave in a courteous, dignified and civil manner towards patients and other health-care providers. Physicians are expected to be professional and non-disruptive. The *Professional Standard Regarding Disruptive Behaviour by Physicians* acknowledges there may be many reasons for unprofessional behavior, such as poor role models, stress and exhaustion. Physicians are encouraged to seek assistance in addressing the behaviour. A valuable resource for physicians is the confidential Professional Support Program offered through Doctors Nova Scotia.

DECISION

In accordance with clause 99(5)(f) of the *Medical Practitioners Regulations*, the Committee has determined there is sufficient evidence that, if proven, would constitute professional misconduct incompetence or conduct unbecoming, warranting a licensing sanction.

Pursuant to clause 99(7)(a)(i) of the *Medical Practitioners Regulations*, and with Dr. Ignacio's consent, Dr. Ignacio is **Reprimanded** for the language used and the manner in which he spoke to the Nurse.

In addition to the Reprimand, pursuant to clause 99(7), Dr. Ignacio agrees to the following conditions:

- Dr. Ignacio will self-refer to the Doctors Nova Scotia Professional Support Program within 30 days of the signed decision; and

- Dr. Ignacio consents to the Professional Support Program providing confirmation of participation to the College until the Professional Support Program feels participation is no longer necessary. Dr. Ignacio is responsible for ensuring the Professional Support Program contacts the College with this information.

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

Dr. Ignacio agreed to accept this disposition on February 27, 2018.