

COLLEGE OF PHYSICIANS AND SURGEONS OF NOVA SCOTIA

SUMMARY OF DECISION OF INVESTIGATION COMMITTEE B

Dr. Fiona MacDonald Roper
Licence Number 006567

Investigation Committee “B” of the College of Physicians and Surgeons of Nova Scotia (“the College”) concluded its investigation into a complaint against Dr. Fiona MacDonald Roper by Decision dated December 12, 2018. The Investigation Committee reached agreement with Dr. Roper with respect to the disposition of the complaint. A summary of the complaint and disposition appears below.

OVERVIEW

This matter was initiated by a letter from Dr. Gus Grant, received on February 7, 2018. A response from Dr. Fiona MacDonald Roper was received on March 23, 2018.

Investigation Committee B, 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 conducted an interview of Dr. Roper, and considered all other documentation provided to it, including information from the Royal College of Physicians and Surgeons of Canada.

PARTIES

Dr. Fiona Roper is a physician, licensed to practise medicine in Nova Scotia in the specialty of Anaesthesia.

Dr. Gus Grant is the Registrar and CEO of the College of Physicians and Surgeons of Nova Scotia. Pursuant to section 36(1)a of the *Nova Scotia Medical Act*, a complaint may be initiated by the Registrar. Upon receipt of a complaint by, or the initiation of a complaint by the Registrar, the *Medical Act* section 43(1) states the complaint must proceed in accordance with the process set out in the *Medical Practitioners Regulations*.

SUMMARY

Key points as reported by the Complainant

Dr. Grant, the Registrar of the College of Physicians and Surgeons of Nova Scotia (CPSNS) was informed by the Royal College of Physicians and Surgeons of Canada (RCPSC) that Dr. Roper was found to be non-compliant with its Maintenance of Certification (MOC) Program in 2011. The MOC Program is a program offered by the RCPSC that tracks a physician's compliance with the continuing professional development (CPD) requirements of the College. Such requirements are mandated by the regulations under the *Medical Act* and must be met by physicians in order to maintain a current licence with the College.

The information provided by the RCPSC was that Dr. Roper had not been enrolled in or compliant with the MOC Program since 2011.

Dr. Grant states Dr. Roper admitted in a meeting with him on February 7, 2018 she misrepresented her MOC status to the Nova Scotia College on all license renewals since 2011.

Dr. Grant states Dr. Roper reported during the meeting her non-compliance was due to ongoing health issues.

Key points as reported by the Respondent

Dr. Roper states she had been experiencing health issues for years, which worsened in 2008. She reported she does not have a family doctor, and felt others required more urgent care than herself, so she chose to "keep on trying to get by".

Dr. Roper states she was able to function at work, but she did not keep up to date with reporting of her CPD activities, stopping entirely in 2011.

Dr. Roper states shame and embarrassment about her non-compliance with MOC did not allow her to voluntarily report her non-compliance to the College of Physicians & Surgeons. She states she has been participating in CPD during this time, but has not recorded her participation with the RCPSC.

Dr. Roper states she enjoys her specialty, and caring for others has been very therapeutic.

CONCERNS/ALLEGATIONS OF COMPLAINANT

Dr. Grant alleges:

- Dr. Roper failed to meet the standards of the profession by failing to remain current with her Continuing Professional Development requirements;
- Dr. Roper has committed professional misconduct by actively misrepresenting her status

- with Maintenance of Certification to the College annually since 2011; and
- Dr. Roper may have issues with her ongoing competence given her deficiencies in Continuing Professional Development.

CONCERNS OF COMMITTEE

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.

After reviewing all available information, the Committee had no additional areas of concern arising from the investigation of this complaint other than those expressed by Dr. Grant.

DISCUSSION

After careful consideration of Dr. Grant's complaint and Dr. Roper's response to the complaint, the Committee believes Dr. Roper failed to meet the standards of the profession by not participating satisfactorily in a continuing professional development program, contrary to s. 19(3)(f) of the *Medical Practitioners Regulations*.

The Committee further believes Dr. Roper has committed professional misconduct by actively misrepresenting her status with Maintenance of Certification to the College annually between 2011 and 2018. Specifically, she has been in violation of the College's *Professional Standard Regarding Physician Co-operation with the College*, under the section *Fully and Accurately Completing the Annual License Renewal Form*:

It is important to note that failing to honestly disclose information to the College in a licensing form or by other means may constitute professional misconduct.

In her written response to the College, and again in an interview with the Committee, Dr. Roper admitted to these allegations, but offered mitigating factors. She stated during her interview during the time period where she did not fulfill her requirements for Maintenance of Certification with the RCPSC, she was suffering from health issues which prevented her completing her requirements with RCPSC. She stated these issues largely resolved in 2014, but shame and embarrassment prevented her from notifying the Nova Scotia College about her non-compliance. Dr. Roper stated her health issues affected her greatly when at home, but did not interfere with her ability to work as an Anaesthesiologist. Dr. Roper admitted to the Committee she had not sought medical help for her health issues, hoping to manage her symptoms herself.

The College obtained independent verification of Dr. Roper's ability to function effectively in her practice through her Department Head, who reported no active clinical performance issues regarding her work.

The Committee also ordered an independent health assessment of Dr. Roper, which found an insufficient connection between her health issues and her inability to comply with the MOC

requirements. While Dr. Roper was experiencing certain issues, they were not of the scope that absolved her of her responsibilities for her licence, where she continued as a practising physician during the relevant timeframe. The assessment also noted there were no health issues that precluded Dr. Roper from engaging in practice at this time.

Based on the review conducted by her Department Head indicating Dr. Roper has no active clinical performance issues, and Dr. Roper's health assessment indicating she has no clinical illness which would impact on her clinical functioning, the committee was satisfied with Dr. Roper's competence to practice medicine.

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, warranting a licensing sanction.

Pursuant to clause 99(7)(a)(i) of the *Medical Practitioners Regulations*, and with Dr. Roper's consent, Dr. Roper is reprimanded for:

- failing to meet the standards of the medical profession by failing to remain current with her Continuing Professional Development requirements with the Royal College of Physicians and Surgeons of Canada; and
- actively misrepresenting her status with Maintenance of Certification to the College of Physicians and Surgeons from 2011 to 2018.

In addition Dr. Roper agreed to contribute an amount toward the College's costs in this matter.

Dr. Roper agreed to accept this disposition on February 6, 2019.

For further information related to the Nova Scotia Medical Act & Medical Practitioners Regulations, along with the College's Standards and Guidelines, please visit our website at: www.cpsns.ns.ca