

**College of Physicians
and Surgeons of
Manitoba**

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**INQUIRY – IC06-02-03
DR. KAREN MARISOL MORAN DE MULLER**

On July 15, 2009, Dr. Karen Moran de Muller appeared before an Inquiry Panel to answer to a charge of professional misconduct.

THE CHARGE:

Dr. Karen Moran de Muller entered a guilty plea to charges of professional misconduct. The charges were as follows:

1. During the period in or about July 11, 2005 to in or about August 24, 2005, Dr. Moran de Muller made telephone calls paging two physicians to return the call to specified numbers. The numbers provided were primarily to hospitals, but to services which were closed (such as a hairdressing salon or social work office), fax machines or hospital wards where no one had a need to speak to these physicians. The pages were made at times after midnight and before 7:00 a.m., such that Dr. Moran de Muller knew or ought to have known that the pages would annoy or harass the recipients.
2. Dr. Moran de Muller attempted to mislead the College:
 - (a) On September 14, 2005, in a meeting with the Deputy Registrar of the College, Dr. Moran de Muller stated that she had not made harassing pages to two colleagues, when in fact she had.
 - (b) During an April 10, 2008 interview with an investigator of the College, Dr. Moran de Muller stated that she did not recall making the pages to these two physicians, when in fact she did recall making the said pages.

The Panel received evidence that the physicians who received these pages reported the matter to the police, and the police ultimately traced the calls to Dr. Moran de Muller's cell phone. On August 25, 2006, Dr. Moran de Muller was charged with criminal harassment and the College file was abeyanced while the matter proceeded through the criminal courts. Ultimately the charges against Dr. Moran de Muller were stayed in return for a letter of apology. In that letter she stated, "I take full responsibility for making the pages."

The College investigation was reactivated and Dr. Moran de Muller appeared before the investigator on April 10, 2008. At that interview she repeatedly made the statement that she took responsibility for her cell phone, but stated she did not make the pages.

On June 5, 2008 Dr. Moran de Muller again appeared before the investigator, at which time she admitted that:

1. When she met with the Deputy Registrar, she told him she did not make the harassing pages, when in fact she had made them;
2. She had not been truthful with the investigator at the April 2008 interview.

Dr. Moran de Muller provided some information as to her background, and particular stressors in her life at that time. She acknowledged what she had done was wrong and apologized to all involved. Subsequently Dr. Moran de Muller attended for assessment and the report arising from the assessment was submitted to the panel.

The Panel accepted that it is a very serious thing for a member to lie to the College. In this case, the lies arose in the context of a member who had also placed harassing phone calls to colleagues. This violates the basic standards of ethical behavior expected of all physicians in dealing with colleagues. The Panel further took into account the fact that Dr. Moran de Muller had accepted a censure from the Investigation Committee in December 2005 related to the care of two patients.

Mitigating factors taken into account included the fact that there was no patient directly involved in this matter, and Dr. Moran de Muller has continued to practise since the events in question without further similar incidents. The Panel received the assessor's opinion that Dr. Moran de Muller is a low risk to re-offend. They noted she pled guilty and at the hearing she accepted full responsibility for her actions and again apologized. Finally, the Panel took into account that Dr. Moran de Muller had already been through a criminal investigation and charges with respect to this matter.

The Panel received a joint recommendation as to penalty as follows:

- a. Dr. Moran de Muller be suspended for a period of three months, with the suspension remitted provided that Dr. Moran de Muller obtains therapy as recommended by the assessor, and in accordance with conditions giving the Investigation Chair authority to:
 - i) approve the therapist;
 - ii) approve the schedule of appointments and care plan;
 - iii) receive periodic reports on the progress of the plan on a schedule fixed by the Investigation Chair.
- b. The therapy will continue for so long as required by the plan and, in any event, until Dr. Moran de Muller is released from the obligation by the Investigation Chair.

The Panel concluded that the joint recommendation was appropriate and accepted it. Dr. Moran de Muller paid the costs of the proceedings in the amount of \$9,828.20.