

**THE COLLEGE OF PHYSICIANS AND SURGEONS OF MANITOBA
INVESTIGATION COMMITTEE**

IN THE MATTER OF: *THE REGULATED HEALTH PROFESSIONS ACT, CCSM c. R117, Part 8 (the “RHPA”)*

AND IN THE MATTER OF: **DR. LAURA ELLYN TARGOWNIK, a former member of the College of Physicians and Surgeons of Manitoba (the “College”)**

CENSURE: IC4235

DATE OF CENSURE: March 5, 2020

On March 5, 2020, in accordance with subsection 102(2)(d) of the RHPA, the Investigation Committee censured Dr. Targownik as a record of its disapproval of her for having conducted herself in an unprofessional manner when she published inappropriate remarks impugning the reputation of one of her colleagues, Dr. X, also a member of the College, on or about March 15, 2019.

Censure creates a disciplinary record. It may be considered in future by the Complaints Committee, Investigation Committee, or a Panel of the Inquiry Committee of the College acting in accordance with subsection 126(2) of the RHPA.

I. PREAMBLE

Members of the College have a statutory and professional obligation to report patterns of deficiencies in care or serious concerns about another member’s fitness to practice medicine, competence or conduct pursuant to section 138 of the RHPA and Schedule F to the Standards of Practice of Medicine. In addition, section 11 of the Standards of Practice of Medicine provides that:

Where a member believes another health care provider has caused harm to a patient and has not yet disclosed that harm to the patient, the member must discuss the issue with that health care provider and must encourage that health care provider to disclose the harm. If the other health care provider does not disclose the harm, the member must do so (emphasis added).

Members must exercise professional judgment in determining what steps to take and in so doing are expected to avoid unnecessarily impugning the reputation of their colleagues. Incivility in this context is unproductive and contrary to expected standards of professionalism. The Code of Ethics states:

Avoid impugning the reputation of colleagues for personal motives; however, report to the appropriate authority any unprofessional conduct by colleagues (emphasis added).

In August 2018 the College newsletter published information about this issue and addressed appropriate ways to address such matters, specifically cautioning against making disparaging comments about another member's care or conduct, especially in circumstances where there is limited knowledge of the facts.

II. THE RELEVANT FACTS ARE:

The following is a description of the circumstances that led to censure:

1. Some details underlying this censure have been removed or anonymized to avoid providing identifying information about third parties.
2. On March 15, 2019, Dr. Targownik treated a patient who had been previously assessed by Dr. X and had a diagnostic procedure scheduled. While Dr. Targownik had no concerns about the care that had been provided, she did have concerns that the patient had been provided with a package of medical and non-medical products in association with the procedure and had been charged an excessive amount by Dr. X for the package. Particularly, Dr. Targownik was concerned that:
 - a. the package included items she believed were unnecessary;
 - b. there was not a clear differentiation made between which components were medically necessary and those which were supplementary;
 - c. the cost of items was inflated; and
 - d. the patient may not have realized that the necessary items could have been purchased elsewhere at a lower cost.
3. Dr. Targownik decided to personally discuss this with a few colleagues and to publish her concerns in a Facebook group comprised of approximately 7,800 members, most of whom are Canadian physicians. Dr. Targownik's post included a picture of the invoice for the package that she obtained at her encounter with the patient which clearly depicted Dr. X's name. Dr. Targownik also included Dr. X's name in one of her subsequent postings in the same communication thread. Dr. Targownik's post included:

Is this allowed? Or is it just shit behaviour from a shit person....

This patient was a recent immigrant to Canada of limited means, who undoubtedly was taken advantage of.

4. In a follow up comment, Dr. Targownik stated:

It's not the private billing, and I'm not against the concierge service per se, it's the potential predatory nature of it. This woman had no idea she had a less expensive option.

5. In response to another person on the thread who commented about the patient: *"Maybe she was told she could get it there or on her own and she forgot. Who knows?"*, Dr. Targownik wrote *"Who knows? I know..."* and went on to make comments about people who work on assembly lines not having *"throw away money"*.
6. In another post in the same thread, Dr. Targownik inappropriately referenced information that had come to her attention as a physician leader at the hospital in which Dr. X also worked.
7. On the day of the original post, Dr. Targownik provided information about the same concerns she published on Facebook to the College. Contrary to a comment Dr. Targownik made on Facebook indicating that she had *"sent a general inquiry to the [College] without any names attached"*, she did in fact include a name with the information provided to the College.
8. During the College's investigation, Dr. Targownik acknowledged that:
 - a. she made assumptions about the patient's personal situation, including her ability to pay and her immigration status;
 - b. she does not recall whether she discussed in detail the cost of the package with the patient;
 - c. she did not verify the market value of the items in the package before posting on Facebook; and
 - d. she was not aware of the facts behind the patient's interactions with Dr. X in relation to the purchase of the package before posting on Facebook.
9. The following information provided by Dr. X is of relevance in this matter in that it demonstrates the potential unreliability of Dr. Targownik's Facebook comments, and highlights the potential utility that a discussion with Dr. X would have had as a first step in resolving concerns. Dr. X has stated that:
 - a. the patient involved resided in Canada for over 25 years and had no apparent financial difficulties;
 - b. Dr. X conducted significant research and put in significant time in developing the package and consulted legal counsel about rules related to the sale of products to patients;
 - c. the cost of the package was reasonable, given its contents;
 - d. all items in the package were, in his view, useful for patients undergoing the diagnostic procedure;
 - e. patients are fully informed about the package by clinic staff and advised that they can obtain its contents elsewhere; and
 - f. patients are in no way pressured to purchase the package and those who have obtained it have provided positive feedback.
10. Dr. Targownik acknowledged that her posting her concerns in a public forum was a serious mistake and explained that her approach to addressing perceived misconduct was influenced

by factors which may have compromised her judgment. Dr. Targownik expressed remorse over her actions in retrospect.

11. Dr. Targownik cooperated fully with the investigation process undertaken by the Investigation Committee.

III. ON THESE FACTS, THE INVESTIGATION COMMITTEE RECORDS ITS DISAPPROVAL OF DR. TARGOWNIK'S CONDUCT IN:

1. Failing to meet expected ethical standards of the profession by unnecessarily impugning the reputation of Dr. X in a public forum by making disparaging comments about him in a national online physician forum that included many thousands of Dr. X's peers. It is aggravating that Dr. Targownik did so based on unreliable information that she represented as fact.
2. The Investigation Committee is of the view that the conduct described above constituted unacceptable conduct for a physician. It determined that if Dr. Targownik had legitimate concerns about the cost of the package and had questions about the manner in which Dr. X was addressing it with a particular patient or with his patients in general, she should have made an effort to discuss the matter with him first, or, in the alternative, limited the communications about her concerns to bringing them forward to the appropriate authority, including the College.
3. The Investigation Committee found Dr. Targownik's approach to be unacceptable and constituted a breach of the expected standard of professionalism and a contravention of the Code of Ethics. It found Dr. Targownik's disregard for the damage this would cause to Dr. X's reputation troubling.

IV. ORDERS

1. The Investigation Committee directed, pursuant to subsection 104(2) of the RHPA, that this censure and a description of the circumstances that led to the censure be made available to the public.
2. Dr. Targownik was ordered to pay the costs of the investigation in the amount of \$4290.00.