

College of Physicians and Surgeons of Newfoundland and Labrador

Summary of Adjudication Tribunal Decision

IN THE MATTER OF: Dr. Adekunle Owolabi

In a written decision dated January 8, 2021, an Adjudication Tribunal of the College of Physicians and Surgeons of Newfoundland and Labrador found Dr. Adekunle Owolabi, a general practitioner, guilty of professional misconduct in relation to a complaint filed by a patient on December 18, 2018. At the time of the hearing, Dr. Owolabi did not hold a licence to practise medicine in the province, his previous licence having ended on November 26, 2018.

The Tribunal accepted an agreed statement of facts as well as Dr. Owolabi's plea of guilty to the complaint. According to the decision of the Tribunal, the patient attended appointments with Dr. Owolabi on November 19 and 20, 2018 with concerns relating to her mental health and symptoms of acute mental distress. When the patient advised Dr. Owolabi that one of her stressors was "nobody to have a tea or go for a walk", Dr. Owolabi replied that he could "go for coffee" or speak with her on the phone if she had nobody to talk to when in crisis. During the clinic appointment, Dr. Owolabi provided the patient with his personal cell phone number. One hour following the appointment, Dr. Owolabi telephoned the patient but she did not answer. The following morning, Dr. Owolabi texted the patient indicating he regretted "telling you to be my friend" and that he "apologize[d] for his conduct from the bottom of my heart". He ended the text by asking the patient to forgive him. The patient did not reply. Dr. Owolabi then proceeded to attend at the patient's workplace, requesting to speak with her. The patient refused to speak with him.

At the time of Dr. Owolabi's clinical encounters with the patient, his licence contained a restriction which required a chaperone when seeing all female patients. During the November 19 and 20, 2018 appointments with the patient, no chaperone was present in the examination room. An office assistant led the patient into the examination room and entered an adjacent office. The office assistant was seated in the adjacent office during the appointment but could hear and see the patient. The patient was not aware of, and did not consent to, the chaperone's presence.

The Tribunal found Dr. Owolabi's conduct was in violation of s. 4(oo) of the College's *Code of Ethics* which prohibits "*inappropriate comments or questions reflecting a lack of respect for the patient's dignity or privacy*". The Tribunal found that his conduct amounted to conduct deserving of sanction as defined in the *Medical Act, 2011*.

The Tribunal ordered as follows:

1. The appropriate period of suspension is 2 months.
2. Dr. Owolabi's licence will be restricted to state that he shall not provide medical care to female patients unless a chaperone is present in the examination room for

the entire patient encounter. This restriction will commence upon his return to the practice of medicine and will remain in place for a period of 24 months.

3. Prior to returning to the practice of medicine, Dr Owolabi will execute documentation setting out the detailed terms and conditions of the chaperoning arrangement in a format developed by the College.
4. Dr. Owolabi shall pay the costs of the College in the amount of \$5,000.
5. The Registrar will publish a summary of the decision and the order of the Tribunal.

A copy of the Adjudication Tribunal's complete decision will be provided to www.canlii.org in accordance with the College's By-Law 7.

The previous practice address of Dr. Owolabi:

Labrador West Health Centre
Labrador City, NL

Linda Inkpen, MD
Registrar
February 9, 2021