

**SUMMARY of the Decision of the Inquiries, Complaints and Reports Committee
(the Committee)**
(Information is available about the complaints process [here](#) and about the Committee [here](#))

**Dr. Jeremy Francis D'Souza (CPSO# 114025)
(the Respondent)**

INTRODUCTION

The Respondent contacted the Complainant by telephone in February 2019 to discuss scheduling a physical examination. The Complainant had previously seen the Respondent on a few occasions but to that point her primary care had been with another physician at the same clinic. The Respondent scheduled an appointment for a weeknight. The Complainant advised that she later received several text messages from the Respondent from an unknown number about the scheduled appointment, with instructions including that she would need to remove most of her clothing during the visit. The Complainant called to cancel the appointment and it was rescheduled for the following Sunday afternoon (after normal Clinic hours). The Respondent later texted the Complainant and informed her that the Clinic would be locked and that she should enter through the back door. He also again advised her that she would be required to take off most of her clothing for the examination. The Complainant called the Clinic to cancel the appointment and did not attend to see the Respondent.

The Complainant contacted the College of Physicians and Surgeons of Ontario (the College) to express concerns about the Respondent's conduct, as follows:

COMPLAINANT'S CONCERNS

The Complainant expressed concerns about the Respondent's communications with her and his approach to scheduling after-hours appointments.

COMMITTEE'S DECISION

A General Panel of the Committee considered this matter at its meeting of August 5, 2020. The Committee required the Respondent to attend at the College to be cautioned in person on maintaining proper boundaries and ensuring appropriate, professional communication with patients.

COMMITTEE'S ANALYSIS

The Committee acknowledged the Respondent's actions in seeking out educational initiatives and reflecting on the practices and communications that gave rise to the complaint. It also noted that the Respondent does not currently hold a certificate of registration with the College and is not practicing medicine in Ontario at this time.

However, the Committee remained concerned about the Respondent's actions, which they concluded demonstrated poor judgment and a lack of insight and professionalism. The Respondent did not adequately explain his reasons for scheduling after-hours appointments or consider how his behavior might be perceived by the Complainant, and he caused her discomfort and uncertainty as a result. He also placed himself in a potentially risky situation by leaving himself open to misinterpretation as a result of his casual communications and his actions in arranging to meet a patient alone after hours in a locked clinic, and he failed to appreciate the inherent boundary violations in his behavior.

Contrary to the Respondent's assertion, the Complainant was definite that she did not provide her consent for the Respondent to text her, and no such consent was documented. The Committee noted that even if a patient were to provide consent for this form of communication, the physician would be expected to limit such communication to occasions when it was necessary and not to engage in colloquial communication as occurred in this case. The Committee found the Respondent's use of text messages in this case to be inappropriate and unprofessional.

In the Committee's opinion, it was also inappropriate for the Respondent to fail to inform the Complainant at the time he scheduled the appointment that nobody else would be present in the Clinic and that she would be required to enter through the back door. He failed to be completely forthright with the Complainant about the unusual set up for the proposed after-hours visit in their initial discussion. The manager of the Clinic has indicated that he was unaware of and did not provide permission for the after-hours visits, and the Respondent has acknowledged that he did not request formal permission to use the Clinic in this manner, which he should have done.

The Committee noted that the Respondent had not previously been the Complainant's primary care physician, and as such, these actions did not occur within the context of an established physician-patient relationship. This contributed to the potential for misunderstandings and increased the importance of maintaining proper boundaries.

The Committee found it unusual for the Respondent to provide the Complainant with repeated instructions about the fact that she would be required to partially disrobe during the visit, given that the appointment was scheduled for a physical examination and therefore some disrobing would be an assumed part of the physical examination.

As set out above, and the Committee decided to require the Respondent to attend at the College to be cautioned in person.