

**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. Tomas VanHelder (CPSO #67806)  
(the Respondent)**

## **INTRODUCTION**

The Complainant is a healthcare professional and colleague of the Respondent. There is no physician-patient relationship between the Respondent and the Complainant. During a workplace discussion related to patient care but not within the presence of any patients, the Respondent made physical contact with the Complainant. The Complainant contacted the College of Physicians and Surgeons of Ontario (the College) to express concern about the Respondent's conduct.

## **COMPLAINANT'S CONCERNS**

<p><b>The Complainant is concerned is concerned that the Respondent behaved in an unprofessional manner; specifically, the Respondent hit the Complainant on the mid-upper back with force.</b></p>
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## **COMMITTEE'S DECISION**

A Surgical Panel of the Committee considered this matter at its meeting of June 5, 2020. The Committee required the Respondent to attend at the College to be cautioned in person with respect to maintaining professional conduct at all times towards fellow healthcare professionals.

## **COMMITTEE'S ANALYSIS**

The Respondent acknowledges that he touched the Complainant on the back but there is disagreement about the amount of force used and whether the Respondent made contact with an open hand or a closed fist.

Whether the contact was meant to harm is immaterial given that reports from the Complainant's chiropractor document soft tissue swelling, and the physical contact was inappropriate, as determined by the hospital's investigation.

The allegations in this case are serious and of a nature that require a significant disposition, such as a caution or referral to the Discipline Committee. In reaching a decision in this regard, the Committee considered the Respondent's history with the College and the fact he has never been the subject of a similar complaint, the hospital's investigation and its outcome, including the Respondent's cooperation with that

process and agreement to take the remedial steps the hospital deemed necessary, the fact that a mediation process did occur, and the fact of the Respondent's apology to the Complainant. In the circumstances, the Committee did not believe that referral to the Discipline Committee was necessary given the remediation and reflection the Respondent has engaged in, and therefore determined that it was appropriate to caution the Respondent.