

**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. Sonja Kustka (CPSO #53928)  
(the Respondent)**

## **INTRODUCTION**

The Respondent was the Patient's family physician for many years until the Patient's passing in 2021 from COVID-19 pneumonia.

The Complainant, the Patient's relative, contacted the College of Physicians and Surgeons of Ontario (the College) to express concerns about the Respondent's care and conduct.

## **COMPLAINANT'S CONCERNS**

**The Complainant is concerned that the Respondent, while acting as the Patient's family physician in 2021:**

- **breached the Patient's privacy and confidentiality by speaking to another family member without executor consent after the Patient died;**
- **prescribed ivermectin to treat COVID-19 without properly examining the Patient; and**
- **delayed the Patient seeking immediate and appropriate medical treatment/attention by sending the ivermectin prescription by courier to the Patient's home so that she could treat herself and by not providing appropriate medical advice to her.**

## **COMMITTEE'S DECISION**

The Committee considered this matter at its meeting of May 29, 2023. The Committee required the Respondent to appear before a Panel of the Committee to be cautioned with respect to assessing patients with COVID-19, obtaining informed consent, confidentiality of personal health information, ensuring comprehensive medical records, and maintaining office records.

The Committee also decided to accept an undertaking from the Respondent.

## **COMMITTEE'S ANALYSIS**

As part of the investigation, the Committee retained two independent assessors. A general practitioner (Assessor A) assessed the care the Respondent provided to the

Patient, and an internal medicine and infectious diseases specialist (Assessor B) provided an expert report on COVID-19 treatments.

Assessor A concluded that the Respondent did not meet the standard of practice of the profession in that she prescribed medication that was deemed inappropriate for the management of the Patient's confirmed diagnosis of COVID-19 and in that she breached the Patient's confidentiality. The assessor also opined that the Respondent demonstrated a lack of knowledge, skill, and judgement by prescribing ivermectin to treat COVID-19 in a known high-risk patient.

Assessor B opined that ivermectin was not recommended for treatment of COVID-19 as it lacked clinical efficacy in many randomized controlled trials.

The Committee accepted these opinions and decided to caution the Respondent regarding her assessment of patients with COVID-19, obtaining informed consent and the confidentiality of personal health information; and to accept her undertaking.

The Committee also had concerns regarding the Respondent's medical record keeping and, in particular, her failure to adequately document her assessment, decision-making, and consent discussions. Additionally, the Respondent did not provide documentation the College had requested to clarify where and when the Patient's ivermectin prescription was sent, which made it more difficult for the Committee to assess the Patient's care. The Committee determined that it was also appropriate to caution the Respondent with respect to keeping comprehensive medical records and maintaining office records.