

SUMMARY

DR. AMITABHA GUPTA (CPSO# 101831)

1. Disposition

On November 1, 2017, the Inquiries, Complaints and Reports Committee (the Committee) required ophthalmologist Dr. Gupta to appear before a panel of the Committee to be cautioned with respect to a serious, prolonged breach of boundaries in the context of an inappropriate business relationship with a patient.

The Committee also ordered Dr. Gupta to complete a specified continuing education and remediation program (SCERP). The SCERP requires Dr. Gupta to:

- Complete one-to-one instruction with respect to ethics, to be facilitated by the College.

2. Introduction

A patient complained to the College that while he was a patient in Dr. Gupta's care, Dr. Gupta behaved in an unprofessional and unethical manner in that he engaged in several off-site business consultations with the patient with promises of partnering in a business venture, thereby failing to maintain professional and appropriate boundaries.

Dr. Gupta responded that he became involved in business discussions related to an invention of his own design for low vision he was bring to market after the patient told him of his (the patient's) successful history of bring start-up companies to market. Dr. Gupta acknowledged in retrospect that it was not appropriate to engage in a business relationship with a patient. He provided proof to the College of his attendance at a course in boundaries through Western University and he indicated that he had also reviewed the College's policy on maintaining appropriate boundaries.

3. Committee Process

A General Panel of the Committee, consisting of public and physician members, met to review the relevant records and documents related to the complaint. The Committee always has before it applicable legislation and regulations, along with policies that the College has developed, which reflect the College's professional expectations for physicians practising in Ontario. Current versions of these documents are available on the College's website at www.cpso.on.ca, under the heading "Policies & Publications."

4. Committee's Analysis

The Committee noted that Dr. Gupta's failure to maintain appropriate boundaries by becoming involved in a business relationship with a patient was a significant breach of professionalism. The Committee noted that Dr. Gupta appeared to have groomed the patient in a number of ways (including discussing his business background and inventions during patient appointments, telling the patient and his wife he wanted to be their friend, meeting with the patient and his wife at his residence and taking them out for dinner). The Committee did not find Dr. Gupta's explanation—that he discussed his invention only to convey how much he cared about his patients' vision—to be convincing. The Committee noted that in multiple, detailed business meetings with the patient by telephone, e-mail, and outside the office setting, over a prolonged period of time, Dr. Gupta put his personal interests ahead of the interests of his patient. The Committee also had concerns about the unethical nature of Dr. Gupta's business dealings with the patients as he left out pertinent information about a competitor's product and decided upon another investor without compensating the patient for the time and energy the patient spent in assisting Dr. Gupta with his business plan.

The Committee noted that other, similar-fact scenarios have resulted in the Committee's referring the physician to the Discipline Committee. The Committee distinguished this matter, however, noting that no money was exchanged between the patient and Dr. Gupta, and Dr. Gupta had shown insight by taking a course and reviewing College policy.

Notwithstanding the above, the Committee remained of the view that Dr. Gupta's breach of professionalism with respect to the patient was serious and warranted the disposition outlined above.