

**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. Agata Szlanta (CPSO #87343)
(the Respondent)**

INTRODUCTION

The College received information raising concerns about Dr. Szlanta's professionalism. Specifically, that she represented herself as a person's geriatrician, when she was not their physician, to access their medical record. Subsequently, the Committee approved the Registrar's appointment of investigators to conduct a broad review of Dr. Szlanta's practice.

COMMITTEE'S DECISION

A General Panel of the Committee considered this matter at its meeting of May 1, 2019. The Committee required Dr. Szlanta to attend at the College to be cautioned in person with respect to professionalism, privacy, and confidentiality.

COMMITTEE'S ANALYSIS

Dr. Szlanta told the College that a person gave her verbal authorization to obtain his medical record from a hospital, and denied representing herself as his physician. Dr. Szlanta explained that she thought verbal consent was sufficient, and admitted that she did not fully understand that, as described in Personal Health Information Protection Act (PHIPA), she needed written authorization to obtain the person's medical record on their behalf.

However, a hospital staff member recalls that Dr. Szlanta specifically identified herself as the person's geriatrician, and made a contemporaneous note in the hospital's release of information log specifying that the records request was made by the person's geriatrician. It was only after a request for disclosure that she realized that Dr. Szlanta was not the person's physician.

The staff member's recollection is supported by contemporaneous documentation in the medical record. In addition, staff also recall that Dr. Szlanta showed her hospital badge, which would give the impression she was acting in a professional capacity. This led the Committee to prefer the staff member's recollection of events.

At a minimum, Dr. Szlanta was unaware of PHIPA and her responsibilities regarding obtaining consent. At worst, Dr. Szlanta misrepresented her identity to obtain a copy of the person's charts. In either case, this was a serious breach in Dr. Szlanta's medical practice, and she should have known better.

The Committee recognized that Dr. Szlanta has now done work to educate herself regarding her obligations under PHIPA, and that it did not appear that she obtained the medical record for any nefarious reasons. This satisfied the Committee that this is likely to be a one-time incident. However, given the seriousness of the breach, the Committee's view was that Dr. Szlanta still required a caution on this matter.