SUMMARY

Dr. Jorge Enrique Zamora (CPSO# 63705)

1. Disposition

On December 15, 2017, the Inquiries, Complaints and Reports Committee (the Committee) required Dr. Zamora (Anesthesiology) to appear before a panel of the Committee to be cautioned with respect to his lack of professionalism in accessing a person's personal health information without their consent.

2. Introduction

The College received information that Dr. Zamora accessed a patient's (Patient X's) personal health information without authorization, and subsequently, the Committee approved the Registrar's appointment of investigators in order to conduct a review of Dr. Zamora's practice.

Dr. Zamora acknowledged accessing Patient X's medical records on two separate occasions. In the first instance, he said he thought he had Patient X's implied consent to access the records

3. Committee Process

A Surgical Panel of the Committee, consisting of both public and physician members, met in order to review the relevant records and documents related to the investigation. 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 who are practising medicine in Ontario. Current versions of these documents are available on the College's website at www.cpso.on.ca and under the heading "Policies & Publications."

4. Committee's Analysis

The Committee noted that Dr. Zamora was not Patient X's physician or part of the circle of care. Therefore, he would have needed Patient X's express consent in order to access the records. There was no information in the investigative record to support Dr. Zamora's statement that he believed Patient X had consented to him accessing their medical records on the first occasion. The second time Dr. Zamora accessed Patient X's medical records was even more concerning to the Committee, because the hospital's Chief of Staff had already warned him that this conduct was unacceptable after the first time he accessed Patient X's records without consent. Furthermore, the second time Dr. Zamora accessed Patient X's records without their consent, he apparently did so using the electronic accounts of nurses and members of hospital staff. Although Dr. Zamora denied using the accounts of others to access Patient X's medical records, the audit trail shows that five staff and a nurse in the PACU (Post Anesthesia Care Unit) accessed Patient X's records at times that were not aligned with clinical activity on their part, and on dates and/or at times of the day when Dr. Zamora was working on site at the hospital.

The Committee noted that after these incidents, Dr. Zamora took steps to improve his practice. Nevertheless, given the number of times that Dr. Zamora accessed Patient X's medical records, most of which occurred after he had already been warned that this conduct was inappropriate, the Committee remained of the opinion that his behaviour warranted a significant disposition as Dr. Zamora's actions reflected a significant lapse in professional knowledge and in judgment.

In light of the noted concerns regarding Dr. Zamora's conduct, the Committee determined that it was appropriate to require him to attend at the College to be cautioned, as is set out above.