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. Virat Joshi (CPSO #79972)
(the Respondent)

INTRODUCTION

The College received information raising concerns about the Respondent. Specifically, the information was regarding a potential privacy breach by the Respondent at Humber River Hospital. Further investigation and audit revealed additional concerns, including:

- The Respondent may have contacted Humber River Hospital patients for the purpose of facilitating referrals to specific facilities;

- The Respondent may have provided the personal health information (PHI) of motor accident victims to a personal injury lawyer; and,

- The Respondent may have treated family members in non-emergent situations on multiple occasions.

Subsequently, the Committee approved the Registrar's appointment of investigators to conduct a broad review of the Respondent's practice.

COMMITTEE'S DECISION

A General Panel of the Committee considered this matter at its meeting of October 16, 2019. The Committee directed staff to negotiate an undertaking with the Respondent, which required the Respondent to complete individualized instruction in medical ethics and professionalism. The Committee also required the Respondent to attend at the College to be cautioned in person with respect to his privacy breaches, and stated its expectation that physicians should not treat family members except in accordance with the College's policy, *Physician Treatment of Self, Family Members or Others Close to Them*.

COMMITTEE'S ANALYSIS

- The Respondent explained that the reason he accessed patient files was because he conducted a patient quality audit and had the permission of the Emergency Department (ED) chief. However, both the former and new ED chiefs denied ever giving permission to the Respondent to access the records of patients for whom he was not already in the circle of care.

- The Humber River Hospital investigation found that the Respondent inappropriately accessed 50 patient charts in 2014 and 187 in 2015. Further, they found that on one occasion, the Respondent provided a prescription for a nonsteroidal anti-inflammatory drug (NSAID) to a patient who was not in his circle of care, and referred that patient for physiotherapy. The personal injury lawyer also sent a PHI request to Humber River Hospital regarding the same patient.

- The personal injury lawyer sent an additional 41 Personal Health Information Protection Act (PHIPA) requests to Humber River Hospital in 2014 and 2015 related to damage claims for patients involved in motor vehicle accidents. The Respondent denies any wrongdoing, and says that he did not engage in a conflict of interest by referring patients to the two clinics or providing the personal injury lawyer with PHI to obtain clients. While there is no information to show a financial incentive for the referrals, the Committee had concerns about the Respondent's actions.

- As a result of this investigation, the Committee had concerns about the Respondent's ethics and professionalism. The Committee was satisfied that an undertaking would address part of the concerns identified in the College's investigation about the Respondent's ethics and professionalism. The Committee regarded the undertaking as an appropriate partial resolution of that aspect. In addition to accepting the Respondent's undertaking, the Committee determined that the appropriate disposition was to require the Respondent to attend at the College to be cautioned in person with respect to his privacy breaches.

- The Humber River Hospital investigation also noted four incidents where the Respondent treated family members for non-emergency reasons (the Respondent claims the situations were urgent). In this regard, the Committee stated its expectation that physicians should not treat family members except in accordance with the College's *Physician Treatment of Self, Family Members or Others Close to Them* policy.