

**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 Complainant received a letter notifying her of a breach of privacy related to her personal health information (PHI). The Respondent and Complainant never had a physician-patient relationship, and the Respondent was never part of her circle of care.

## **COMPLAINANT'S CONCERNS**

**The Complainant is concerned with the professionalism and conduct of the Respondent. Specifically, the Complainant is concerned that the Respondent:**

- **Accessed her PHI without consent or legitimate indication to do so;**
- **Inappropriately utilized her PHI to initiate a referral to a health care provider with whom he had a personal or professional relationship; and,**
- **Profited from the unauthorized use of her PHI.**

## **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**

- An investigation by the Respondent's hospital supports that the Respondent inappropriately accessed the Complainant's PHI. 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 the Respondent permission to access the records of patients for whom he was not already in the circle of care. It was not appropriate for the Respondent to access these records.

- Further, the Complainant received a call one evening from the Respondent (who had no prior involvement in her care) to arrange for follow-up. The same evening, she was contacted by a chiropractor to make an appointment for an assessment. At the assessment, she was also interviewed by a personal injury lawyer who the Respondent knows. This constitutes a potential conflict of interest, as it is not appropriate for a physician to access PHI for the purposes of obtaining business for someone else or referring to specific clinics. The absence of information showing a specific financial incentive does not justify 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 those aspects. 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 investigation also provided information that the Respondent may have inappropriately treated family members in a non-emergent situation (the Respondent claims the situation was urgent). In this regard, the Committee states 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.