

## **SUMMARY**

### **Dr. Judy Wismer (CPSO# 59391)**

#### 1. Disposition

On March 1, 2017, the Inquiries, Complaints and Reports Committee (“the Committee”) ordered Dr. Wismer (Dermatology) to appear before a panel of the Committee to be cautioned with respect to her unprofessional behaviour in providing payment to a patient for the patient’s agreement not to pursue a College complaint.

#### 2. Introduction

A patient complained to the College about the care she received from Dr. Wismer in relation to laser hair removal treatment. Specifically, the patient was concerned that Dr. Wismer failed to properly follow up and investigate her concerns about first degree burns that she sustained during laser hair removal treatment.

After filing her complaint, the patient advised that she did not wish to pursue the matter as she had reached a private, financial agreement with Dr. Wismer and had signed a release agreeing not to pursue a complaint with the College.

Dr. Wismer responded that the blisters the patient experienced did not meet her standard of care. She advised that she did follow the patient closely, and spent a long period of time with her discussing appropriate skin care and discussing the potential causes of the adverse reaction. Dr. Wismer stated that the patient was angry and demanded \$3000 compensation for her stress and inconvenience, and also suggested that she was going to bring a complaint to the College. She reported that she agreed to pay the patient \$3000 and that the patient signed a disclaimer agreeing not to proceed with further litigation or complaint. [The agreement the parties signed stated that the patient accepted \$3000 from Dr. Wismer for “full compensation for Laser Hair Removal Burns” and that in exchange she agreed “not [to] pursue any further compensation on this Bikini Burns issue, in the future.”] Dr. Wismer indicated that she recognized that it was ill-advised not to contact the College, but that she felt rushed to make a decision. She apologized for her actions, and indicated she would not act the same way in the future.

### 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](http://www.cpso.on.ca), under the heading "Policies & Publications."

### 4. Committee's Analysis

The Committee noted that the type of injury the patient sustained was a known complication of the type of laser treatment she underwent, which can and does occur, even with the best of care.

The Committee was satisfied that the record indicated that Dr. Wismer did follow up appropriately with the patient regarding her burns. Dr. Wismer spent considerable time with the patient explaining what had happened and reviewing the best treatment for the patient's first degree burns. She also monitored her to ensure that proper healing occurred. In the Committee's view, from a clinical perspective, Dr. Wismer handled this situation in an appropriate and attentive manner.

However, the Committee had concerns regarding Dr. Wismer's decision to enter into an agreement with the patient, in which she paid the patient a sum of money in exchange for the patient agreeing not to pursue a complaint with the College. The Committee noted that while the written agreement the parties signed did not specifically state that the patient would not pursue her complaint with the College, both the patient and Dr. Wismer indicate that this was understood to be part of the agreement, and the patient did seek to withdraw her complaint after receiving a \$3000 payment from Dr. Wismer. As such, it was clear to the Committee that there was a definite link between the payment and the patient's decision not to pursue her complaint with the College. In the Committee's view, Dr. Wismer's decision to enter into this financial agreement with the patient demonstrated a very troubling lack of judgment and lapse in professionalism on her part.

The Committee noted that Dr. Wismer expressed her apology for her ill-advised actions in this case.