

SUMMARY

Dr. Garisa Jagan Mohan Reddy (CPSO# 90244)

1. Disposition

On December 20, 2017, the Inquiries, Complaints and Reports Committee (the Committee) required Dr. Reddy (Internal Medicine) to appear before a panel of the Committee to be cautioned with respect to accessing medical data of an individual who was not his patient and disclosing it to another person. The Committee also required that Dr. Reddy provide the Committee with a written report, approximately two to four pages in length, with respect to his understanding of the College's policy *Confidentiality of Personal Health Information* (8-05) and on the pitfalls of breaching confidentiality in medicine.

2. Introduction

A family member of one of Dr. Reddy's patients complained to the College that Dr. Reddy disclosed her personal health information to the patient without obtaining her consent.

Dr. Reddy admit he did not have consent to disclose test results of the patient's family member. He indicated that during an appointment with his patient, the patient appeared to be anxious about the family member's test results and so he accessed them and gave them to the patient.

3. Committee Process

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

4. Committee's Analysis

The Committee was troubled by Dr. Reddy's serious lapse in judgment in this particular case. Dr. Reddy's first error was accessing the medical data of an individual who was not his patient. His second error was that he disclosed this information to one of his patients without consent. The privacy breach in this particular case was significant, and it was intentional, not accidental. The *Personal Health Information Protection Act* (the Act) clearly states that physicians must not collect, use, or disclose personal health information about an individual unless they have the individual's consent, under the Act, and only if the collection, use, or disclosure, is either necessary for a lawful purpose or is otherwise permitted and/or required under the legislation. In this case, Dr. Reddy did not have the family member's consent to access or disclose their personal health information, and there were no exceptions under the Act to justify his actions. The College's policy, *Confidentiality of Personal Health Information* also provides physicians with information on both their legal and professional obligations to maintain confidentiality, which Dr. Reddy should keep in mind, when he is speaking with concerned family members.

The Committee noted that Dr. Reddy has shown insight and has taken ownership of his errors and has taken positive steps to improve his practice by engaging in professional education. However, the Committee felt that he must nevertheless be accountable for his poor judgment.

In light of the noted concerns regarding Dr. Reddy'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.