

SUMMARY

DR. ANDREW GOMEZ-VARGAS (CPSO# 86291)

1. Disposition

On February 21, 2018, the Inquiries, Complaints and Reports Committee (the Committee) required neurologist Dr. Gomez-Vargas to appear before a panel of the Committee to be cautioned with respect to unprofessional behaviour (related to using his position as a physician to inappropriately intrude, for personal reasons, into the treatment setting of an individual who was not his patient).

2. Introduction

The complainant does not have a patient-physician relationship with Dr. Gomez-Vargas. Rather, they were acquainted socially, and the complainant had a friendship with a family member of Dr. Gomez-Vargas. The complainant expressed concern that, during a hospitalization at a hospital where Dr. Gomez-Vargas had privileges, Dr. Gomez-Vargas used his credentials to make an uninvited visit to the complainant's room and have the complainant speak to his (Dr. Gomez-Vargas's) family member by cell phone before abruptly leaving. The complainant also expressed concern that Dr. Gomez-Vargas accessed his personal health information inappropriately.

Dr. Gomez-Vargas acknowledged behaving inappropriately towards the complainant by behaving as the complainant described. He explained that he was involved in a difficult family situation and he recognizes that his actions demonstrated a lack of judgement. He denied accessing the complainant's personal health information. He described efforts he has made to remediate his actions through continuing professional education.

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, under the heading "Policies & Publications."

4. Committee's Analysis

The Committee commented that Dr. Gomez-Vargas's acknowledged behaviour was clearly unprofessional and dishonest, while noting he appears to recognize this and has apologized for his lack of judgement.

The Committee further noted that Dr. Gomez-Vargas says he did not access any confidential information in the complainant's hospital chart, and there is no information to suggest that he did. However, Dr. Gomez-Vargas did use his knowledge of the complainant's in-patient status, gained through the course of his professional duties, to misuse his professional credentials to gain access to the complainant's room, causing the complainant a great deal of distress. This constituted interference in the complainant's in-patient treatment.

Dr. Gomez-Vargas's actions with respect to the complainant were dishonest and unprofessional in a number of ways, and he used his position as a physician to intrude into the treatment setting of someone he knows only as an acquaintance, putting his own interests and concerns above those of an individual (the complainant) who was in a vulnerable situation. Dr. Gomez-Vargas's actions are not consistent with the expectations the College has of its members. The Committee considered whether to order remediation to address Dr. Gomez-Vargas's concerning behaviour. However, the Committee recognized Dr. Gomez-Vargas's own

remediation efforts and determined that it would be sufficient to caution him as outlined above.