

## **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 administering nerve block medication to an individual who was not his patient without a proper referral, without performing an adequate assessment or obtaining informed consent, and billing OHIP inappropriately for treatment already billed to the patient).

#### **2. Introduction**

A patient complained to the College that during an appointment with Dr. Gomez-Vargas for the patient's mother, Dr. Gomez-Vargas offered to provide an injection for a fee of \$50 to treat the patient's headache (which the patient later learned was covered by OHIP), and that he provided the injection without taking a history nor advising the patient what medication he was injecting. According to the patient, Dr. Gomez-Vargas told her to stop seeing the physician already treating her for headaches and to see him on a monthly basis going forward. Finally, the patient was concerned that Dr. Gomez-Vargas sent her family physician a consultation letter thanking him for the referral despite the fact that her family physician had not sent a referral to Dr. Gomez-Vargas.

Dr. Gomez-Vargas acknowledged quoting a fee of \$50 but denied he had ever quoted a higher fee (which the patient recalled from an earlier encounter). He explained that the medication has an associated cost but the injection itself is covered by OHIP. Dr. Gomez-Vargas maintained that he did take the patient's history and conducted a neurological examination. He stated he advised the patient about the injection and determined that she had no allergies to the ingredients. Dr. Gomez-Vargas noted that he suggested the patient return to him because it

appeared that treatment from her other specialist was not working. Dr. Gomez-Vargas acknowledged sending a consultation letter without a referral and billing OHIP for a spontaneous offer of care. He acknowledged that his behaviour was wrong.

### **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 Dr. Gomez-Vargas's decision to treat the patient without a referral showed poor judgement. Although Dr. Gomez-Vargas is correct that there is a fee for a non-insured medication separate from the OHIP-insured procedure to administer the injection, his communications with the patient on this point seen to have created confusion. The Committee also noted that Dr. Gomez-Vargas should not have billed OHIP if he accepted a fee for an insured service.

Dr. Gomez-Vargas's history-taking and documentation of the consent discussion caused the Committee concern. Although Dr. Gomez-Vargas dictated a consultation letter, he should have obtained written consent for an initial injection and documented that the patient had no drug allergy.

The Committee noted that Dr. Gomez-Vargas's request to see the patient again on a monthly basis appeared to ignore the fact that the patient was under the care of another specialist and in fact had a scheduled appointment shortly after seeing him. The specialist's consultation

letter to the patient's family physician reflected the patient's distress at what had occurred during her encounter with Dr. Gomez-Vargas.

Dr. Gomez-Vargas acknowledged billing OHIP for the consultation despite lacking a referral and for performing the injection, and that it was wrong to do so. Under the circumstances, the Committee felt that this was unethical.

Considering the patient's complaint as a whole, the Committee had significant concerns about Dr. Gomez-Vargas's professionalism and ethical behaviour.

The Committee noted that it had considered another complaint about Dr. Gomez-Vargas, also related to concerns about professionalism and ethics, at the same meeting, and that this was troubling.

For these reasons the Committee decided to caution Dr. Gomez-Vargas as outlined above.