

DECISION 2

Dr. Beatrice Tazlaoanu
421 Bloor St E #208
Toronto, Ontario

ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- Gave information about a patient to another person without consent (para. 17).
- Failed to keep records as required by the regulations (para. 25).
- Disgraceful, dishonourable, unprofessional or unethical conduct (para. 59).

BRIEF SYNOPSIS OF FACTS

- The member breached the privacy of a patient by disclosing his HIV status to another patient, who was the patient's spouse.
- She failed to maintain a record of her conversations with the two patients in relation to the disclosure of the spouse's HIV status.
- She failed to be forthcoming and truthful with her patient when he asked about the breach of his privacy, after she had disclosed his HIV status to his spouse.

DECISION

1. Finding

- The member pleaded guilty and was found guilty with respect to the above allegations.

2. Penalty

- Reprimand
- Course in Ethics and Jurisprudence

3. Costs/Publication

- Costs to the College in the amount of \$1,500

- Pursuant to the legislation, publication of this matter includes the member's name and address.

4. Panel's Reasoning

- Penalty was a joint submission resulting from a pre-hearing conference.
- Panel considered both aggravating and mitigating factors of the case.
- Mitigating factors included:
 - The member cooperated fully during the investigation and proceedings.
 - Her discussion with the patient concerning his partner's HIV positive status was motivated solely by concern for that patient's well-being and accepted public health protection principles, and she could have expected that her patient was aware of his partner's HIV status under current public health legislation.
 - She admitted her wrongdoing, expressed regret and saved the College the burden of a prolonged, contested hearing.
 - She has no previous disciplinary findings.
 - Her actions were isolated and aberrant and did not represent a pattern of disregard for the regulations.

- Aggravating factors included:

- The member behaved precipitously without seeking advice from the College.
- Had she delayed her conversation with the second patient, she could have discussed the situation with the HIV positive patient and sought his consent. In the event consent had been withheld, she could have contacted the College for advice.
- When confronted by her patient, she denied her conversation with the patient's spouse and persisted with the denial until a complaint was filed with the College.
- She displayed a lack of judgment by failing to record the details and tenor of the conversations with both patients, when it should have been obvious the situation was fraught with potential problems.
- Penalty has specific and general deterrence, rehabilitation, and it serves the public interest.