



College of Physicians and Surgeons of British Columbia

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PUBLIC NOTIFICATION – November 16, 2022

Dr. CARVALHO, Gustavo Jose

Richmond, BC

1. **Nature of action:** The Inquiry Committee of the College of Physicians and Surgeons of BC conducted investigations into the practice of Dr. Gustavo Jose Carvalho, pursuant to section 33(4) of the *Health Professions Act*, RSBC 1996, c.183 (*HPA*).

Following the issuance of a disciplinary citation, Dr. Carvalho admitted to unprofessional conduct, including professional misconduct, and consented to the following disposition of the Inquiry Committee under section 37.1(3) of the *HPA*, which is considered to be an order of the Discipline Committee under section 39 of the *HPA*.

2. **Effective date:** January 1, 2023
3. **Name of registrant:** Dr. Gustavo Jose Carvalho
4. **Location of practice:** Richmond, BC
5. **Admission and acknowledgements:** Dr. Carvalho has admitted the following:
 - a. He breached the following limits and conditions imposed on his practice as set out in Resolution 13-486: that he practise within a group setting with two or more full-time physicians who have an established practice, where he has no supervisory responsibilities, with patient volume and hours of clinical practice approved in writing by the College; that he not change his practice setting or scope of practice, patient volume or hours of clinical practice without the prior written approval of the College; and that his future professional conduct be beyond reproach in every respect.
 - b. He breached an undertaking agreement, signed August 10, 2020, pursuant to which he undertook not to practise medicine unless he secured a practice supervisor and setting approved by the College.
 - c. He engaged in unprofessional conduct, including professional misconduct, pursuant to section 39(1)(c) of the *HPA*, by breaching the limits and conditions imposed on his practice as set out in Resolution 13-486.
 - d. He engaged in unprofessional conduct, including professional misconduct, pursuant to section 39(1)(c) of the *HPA*, by breaching the undertaking agreement, signed August 10, 2020.
 - e. He has an extensive history of regulatory action taken against him by the College, dating from 1993 when he was suspended and fined \$20,000 after being found guilty of infamous

- conduct for billing the Medical Services Plan for services that were not rendered, and including among other actions:
- i. being reprimanded in 2001 following admitting to unprofessional conduct by failing to properly protect and maintain the confidentiality of patient records;
 - ii. having his name erased from the medical register in 2003 following his conviction for indictable offences;
 - iii. being suspended and fined \$50,000 in 2012 following admissions that he made or caused to be made improper claims to the Medical Services Plan;
 - iv. being reprimanded and fined \$5,000 in 2016 following admitting to unprofessional conduct by breaching another condition in Resolution 13-486;
 - v. being reprimanded in 2018 for failing to provide medical records in a timely manner in accordance with the College's *Medical Records* standard; and
 - vi. being suspended and fined in 2018 following admitting to unprofessional conduct by breaching further conditions in Resolution 13-486.
- f. He has also been subject to regulatory action by the Medical Services Commission. In 2016, the Medical Services Commission found that Dr. Carvalho had made approximately 232 fraudulent claims, ordered him to repay about \$190,000 in billings, cancelled his enrollment in the Medical Services Plan, and ordered that he not apply for enrollment or be enrolled in his lifetime.
6. **Disposition:** Dr. Carvalho gave the Inquiry Committee a written proposal under section 37.1(1) of the *Health Professions Act*, wherein he consented to the following order:
- a. Pursuant to section 39(2) of the *HPA*, Dr. Carvalho's registration is cancelled, effective January 1, 2023.
 - b. Pursuant to section 39(8) of the *HPA*, Dr. Carvalho shall not be eligible for reinstatement of registration during his lifetime and shall not apply for reinstatement of registration during his lifetime.
7. **Rationale:** The Inquiry Committee considered the past actions taken against Dr. Carvalho, pursuant to section 39.2 of the *HPA*. The Inquiry Committee was concerned that Dr. Carvalho continued to commit unprofessional conduct, including professional misconduct, following decades of regulatory actions taken against him and attempted remediation. Given Dr. Carvalho's past actions and continued failed remediation, the Inquiry Committee accepted Dr. Carvalho's proposal under section 37.1(1) of the *HPA*. The Inquiry Committee considered the terms of the Dr. Carvalho's proposal necessary to protect the public and to send a clear message of deterrence to the profession.

The College of Physicians and Surgeons of British Columbia is the licensing and regulatory body for all physicians and surgeons in the province. Governed by provincial legislation, the College's role is to protect the public by establishing, monitoring and enforcing high standards of qualification and ethical practice.

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