



Dr. Carlo STUGLIN

Council Decision

Date Charge(s) Laid:	September 29, 2017
Outcome Date:	September 30, 2017
Hearing:	September 30, 2017
Disposition:	Fine

The Council of the College of Physicians and Surgeons imposes the following penalty on Dr. Carlo Stuglin pursuant to *The Medical Profession Act, 1981*:

Pursuant to Section 54(1)(f) of *The Medical Professional Act, 1981*, the Council imposes a fine of \$1,500 on Dr. Stuglin, payable forthwith.

**IN THE MATTER OF A SECTION 49 OF *THE MEDICAL PROFESSION ACT*,
1981 PENALTY HEARING
FOR DR. CARLO STUGLIN**

**Mr. David J. McKeague, Q.C. appearing for Dr. Carlo Stuglin
Mr. Bryan Salte, Q.C. appearing for the College of Physicians and
Surgeons of Saskatchewan**

REASONS FOR DECISION

INTRODUCTION AND BACKGROUND

[1] Initiating from a series of complaints received from patients seeking completion of third party insurance forms from Dr. Stuglin, the complaints department of the College attempted to achieve resolution of these complaints with Dr. Stuglin. These attempts were frustrated by a lack of responsiveness on the part of Dr. Stuglin to the communications sent to him from the College. This collection of patient complaints and incidents of non-response from Dr. Stuglin prompted elevation of this issue to the Registrar's Office. These matters were brought forward to the Executive Committee at its June 2017 meetings. The Executive Committee directed that charges be drafted. The following charges were drafted by the Registrar's Office and laid by the Executive Committee.

The Executive Committee of the College of Physicians and Surgeons directs that, pursuant to section 47.6 of The Medical Profession Act, 1981, the Discipline Committee hear the following charge against Dr. Carlo Stuglin, namely:

1. *You Dr. Carlo Stuglin are guilty of unbecoming, improper, unprofessional, or discreditable conduct contrary to the provisions of section 46(o) and/or section 46(p) of The **Medical Profession Act, 1981** s.s. 1980-81 c. M-10.1, and/or bylaw 16.1 and/or bylaw 16.2 of the bylaws of the College of Physicians and Surgeons. The evidence that will be led in support of this charge will include one or more of the following:*
 - a) *By letter dated April 17, 2013 Ms. Leslie Frey of the College of Physicians and Surgeons wrote to you in relation to a concern that you had not completed documentation related to your patient, identified in this charge by the initials E.S.;*
 - b) *You did not respond to that letter or failed to respond to that letter within a reasonable time;*

- c) *By letter dated October 17, 2014 Ms. Leslie Frey of the College of Physicians and Surgeons wrote to you in relation to a concern that you had not completed documentation related to your patient, identified in this charge by the initials R.A.;*
- d) *You did not respond to that letter or failed to respond to that letter within a reasonable time;*
- e) *By letter dated January 13, 2016 Ms. Leslie Frey of the College of Physicians and Surgeons wrote to you in relation to a concern that you had not completed documentation related to your patient, identified in this charge by the initials J.D.;*
- f) *You did not respond to that letter or failed to respond to that letter within a reasonable time;*
- g) *By letter dated January 26, 2016 Dr. Michael Howard-Tripp, Deputy Registrar of the College of Physicians and Surgeons, wrote to you in relation to a concern that you had not completed documentation related to your patient, identified in this charge by the initials M.S.;*
- h) *You did not respond to that letter or failed to respond to that letter within a reasonable time;*
- i) *By letter dated August 2, 2016 Ms. Tracy Hastings of the College of Physicians and Surgeons wrote to you in relation to a concern that you had not completed documentation related to your patient, identified in this charge by the initials R.A.;*
- j) *You did not respond to that letter or failed to respond to that letter within a reasonable time;*
- k) *By letter dated November 16, 2016 Ms. Leslie Frey of the College of Physicians and Surgeons wrote to you in relation to a concern regarding a patient identified in this charge by the initials N.D. In that letter Ms. Frey asked you to advise in writing related to your process or policy to triage referrals;*
- l) *You did not respond to that letter or failed to respond to that letter within a reasonable time;*
- m) *By letter dated December 12, 2016 Dr. Michael Howard-Tripp, Deputy Registrar of the College of Physicians and Surgeons wrote to you and advised you that the College had not received a response to Ms. Frey's letter of November 16, 2016;*
- n) *You did not respond to that letter or failed to respond to that letter within a reasonable time.*

[2] Subsequent to the laying of charges information was obtained by the Registrar's Office which validated that timely responses to correspondence referenced in

sections 1e and 1f of the charges had been provided and therefore these two items would not be pursued.

[3] On August 1, 2017 counsel for Dr. Stuglin submitted a request to the Executive Committee that the charges be amended to read as follows:

*“You, Dr. Carlo Stuglin, are guilty of unbecoming conduct contrary to the provisions of Section 46(o) and/or Section 46(p) of **The Medical Professions Act (1981)** in that you have, on more than one occasion, failed to respond in a timely fashion to communications from the College of Physicians and Surgeons, requiring written response from you.”*

[4] The amended charges were proposed in conjunction with subsequent admission of guilt and proposed penalty of a fine of \$1500.

[5] The Executive Committee deferred this matter to the Council for consideration at its September 2017 meeting. The matter was debated and no amendment to the charges were made.

[6] Dr. Stuglin signed an admission of guilt to the charges as presented on 30 September, 2017 and a penalty hearing was held. The following decision was reached.

The Council of the College of Physicians and Surgeons imposes the following penalty on Dr. Carlo Stuglin pursuant to The Medical Profession Act, 1981:

Pursuant to Section 54(1)(f) of The Medical Profession Act, 1981, the Council imposes a fine of \$1,500 on Dr. Stuglin, payable forthwith.

Dr. Stuglin’s background

[7] Dr. Stuglin is a 46 year old cardiologist with training in Canada. He received his medical degree in 1997 from the University of Saskatchewan. He was licensed in Saskatchewan during his residencies, and has held a full/regular license continuously since 2003. He practises with Saskatoon Cardiology Consultants.

[8] Dr. Stuglin has no previous history of unprofessional conduct

[9] Dr. Stuglin has had a number of complaints raised to the College regarding the completion of insurance forms. These complaints form the basis of this matter.

The Position of the College

[10] The position of the Registrar's Office was presented in written submissions from Ms. Sheila Torrance, and presented verbally by Mr. Salte.

[11] The Registrar's Office has presented a \$1500 fine as appropriate. Excluding the numerous communications that went unanswered, following the laying of charges, Dr. Stuglin has been cooperative in this matter and does not contest his guilt.

[12] There were no specific aggravating factors brought forward for consideration.

[13] Mitigating factors were considered. Dr. Stuglin has demonstrated that all of the third party forms requiring completion are now complete. Dr. Stuglin has demonstrated significant logistical changes he has made to his office practise to ensure that further episodes of delay in completion of required documentation do not occur. Dr. Stuglin has undertaken to track insurance form completion in his office and is willing to provide confirmation of same if audited by the College in the future.

[14] Case law in support of the \$1500 fine included the matters of:

- 1) Dr. Barry Rieder
- 2) Dr. Corne Schoeman

The Position of Dr. Stuglin

[15] Specific written arguments were not submitted other than those requesting amendment to the charges laid. Verbal presentation did not vary from the position of the Registrar with respect to penalty.

Principles Guiding Penalty

[16] When assessing penalty, the Council relied on the Camgoz criteria regularly cited in Council reasons for decision.

Reasons for Decision

[17] The Council was convinced of Dr. Stuglin's contrition in this matter. Dr. Stuglin has presented a substantial letter of explanation for his administrative failings, however at the conclusion of this matter he clearly accepts responsibility for his

actions and demonstrates a sincere desire to avoid any repetition. The Council accepted his stated remorse and felt that formal reprimand would fail to achieve any significant specific deterrence.

[18] The Council recognizes that completion of third party insurance forms is imperative for the financial and occupational well-being of patients. A clear policy on this matter exists to guide the profession in this area.

[19] Similarly, it is essential for practitioners to correspond with the College in a timely fashion in order to ensure prompt resolution of any issues surrounding the delivery of care. Failing to respond to the College in a timely fashion is unprofessional and requires both specific and general deterrence. For this reason, a \$1500 fine was appropriate. This is in line with other decisions for comparable matters.

**Accepted by the Council of the College of Physicians and Surgeons: 25
November, 2017**