

EXTRACT OF THE COUNCIL MINUTES FOR NOVEMBER 27, 2004

452i Dr. S.S. Gandham of Richmond, B.C., accompanied by legal counsel, Mr. R. Elson, was present at Council in respect to his countersigning of American prescriptions and his having been found guilty of unprofessional conduct for this practice by the College of Physicians and Surgeons in British Columbia. Dr. Gandham holds concurrent registration in British Columbia and Saskatchewan.

453i The Associate Registrar noted that the College of Physicians and Surgeons of Saskatchewan has adopted specific bylaws to deal with the prescribing of medications to patients they have not seen (Bylaw 51 (2)(t)).

454i The Associate Registrar pointed out that suspension of Dr. Gandham's license would accomplish nothing since Dr. Gandham does not reside in this province. He pointed out that the College in BC imposed the maximum fine permitted under their legislation and rules, that being \$25,000.00.

455i Mr. Elson advised Council that Dr. Gandham informed the BC College of Physicians and Surgeons of his intentions to prescribe for American patients. At that time he was cautioned by the BC College that this wasn't a good practice but he was never explicitly advised that the BC College would regard this as unprofessional conduct.

456i Mr. Elson reported that Dr. Gandham had sought and obtained a legal opinion which suggested that, if Dr. Gandham would cease attending patients in British Columbia and focus exclusively on the approval of prescriptions for out of country patients, he would no longer be deemed to be practicing medicine in British Columbia and would therefore not be at risk of intervention by the BC College of Physicians and Surgeons. Mr. Elson reported that he did not share that interpretation of the law but, nonetheless, it was an Interpretation that was provided to Dr. Gandham by another lawyer.

457i Dr. Gandham did seek and obtain registration with the Saskatchewan College. He only practiced in Saskatchewan for one weekend as a locum tenens in Wakaw. When asked if he ever sought clarification from the Saskatchewan College as to whether this College has regulations prohibiting physicians from prescribing medications for patients they have not seen, Dr. Gandham reported that he had not done so.

458i Dr. Gandham advised Council that in respect to every prescription he signed he contacted the American physician who originally issued the prescription and also spoke with each patient. When asked by the Registrar approximately how many prescriptions he signed per day Dr. Gandham advised that volumes varied but he might have signed up to 500 prescriptions per day.

459i The Registrar asked how it would be possible for him to speak with 500 American physicians and an equal number of patients in a single day. Dr. Gandham advised that he had hired unlicensed international medical graduates and other non-medical personnel to handle these calls.

460i When asked how much he earned from his participation in this prescription endorsement scheme Dr. Gandham advised that his gross earnings were approximately \$500,000.00.

461i Dr. Gilmour asked Dr. Gandham why he did this. Dr. Gandham advised that he had gone through a marriage breakdown, had lost a lot of money, and he was attracted to this scheme by its potential to yield significant earnings.

MOTION

Pursuant to Section 54(1)(e) of *The Medical Profession Act, 1981*, Dr. S.S. Gandham is subject to reprimand; and

Subject to Section 54(1)(f) of *The Medical Profession Act, 1981*, Dr. S.S. Gandham is subject to a fine of \$15,000.00.